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UNITED STATES OF AMERICA.



"Each generation in our history needs to be taught WHAT THE CONSTITUTION IS, and what the framers of it UNDERSTOOD IT TO BE at its formation." — PRESIDENT WOOLSEY.

THE

Constitution of the United States,

FOR THE USE OF SCHOOLS AND ACADEMIES.

BY GEO. S. WILLIAMS, A. M.

THIS work on the Constitution is the result of several years' experience in teaching classes in this branch of study, and has been prepared with special reference to the wants of pupils in the test of the school-room drill, the general interest of the public, and to aid in elevating the standard of instruction in our public schools. The merits of the work consist in the brevity, accuracy, and perspicuity of its definitions, and the pertinency of the notes and references ; securing on the part of the pupils a familiarity with the text of the Constitution, and furnishing, without loss of time and labor, to teachers such additional sources of information as they may need for more full information. If studied carefully in our schools it is calculated to foster a love for order, law, and justice, and prepare the young for the various and responsible duties of citizens and electors under our system of representative government.

The following are some of the commendatory notices which have been received, to which the attention of School Directors and Teachers is asked : —

From HON. JOEL PARKER, LL D., *Royall Professor of Law in Harvard University.*

CAMBRIDGE, January 27, 1862.

I have made a limited examination of a small volume entitled "The Constitution of the United States for the use of Schools and Academies. By George S. Williams, A. M. Published by Welch, Bigelow, & Co., 1861," — and am of the opinion it will be found a very useful manual for the purposes for which it is designed. The importance of a thorough study of the principles and provisions of the Constitution was never more apparent than at the present time, and I am not aware of any work better adapted to give to young students the necessary information upon those subjects.

JOEL PARKER.

From the HON. LUKE P. POLAND, Chief Justice of Vermont.

ST. JOHNSBURY, VT., January 20, 1862.

I have not had sufficient time to examine your book on "The Constitution of the United States, for the use of Schools and Academies," very minutely. So far as I have examined it I am highly pleased with it, and believe it well calculated to attain the end desired. The subject is one of the first importance, and I have long been satisfied that it has not received that attention, as a part of the education of the youth of the country, which should be given to it. I hope your book and your efforts may succeed in making the Constitution a settled and permanent topic of study in all our schools. Very truly yours, &c.,

MR. GEO. S. WILLIAMS.

LUKE P. POLAND.

From HON. JUDGE MARCY, Vermont.

ROYALTON, VT., January 14, 1862.

I have examined with considerable care and special interest the contents of your Manual on the Constitution of the United States for the use of Schools and Academies. I am certain the study of this book will furnish the young with correct views of our free Republican government. It should be introduced into our common schools, and studied as thoroughly as English grammar or the spelling-book.

The Constitution is explained so concisely and clearly, that the youth may understand it without extraordinary effort, and yet persons of mature age can read it with great advantage.

Yours very respectfully,

MR. GEO. S. WILLIAMS.

JOHN S. MARCY.

From HON. DAVID C. SANFORD, Judge of Supreme Court, Connecticut.

NEW MILFORD, CONN., June 6, 1862.

I have read with interest your book on the Constitution of the United States, for the use of Schools. The information needed to successfully study the Constitution, and contained in various Statutes and Reports of the National Courts, you have condensed in an admirable manner, and formed a concise and satisfactory book for pupils in our public schools; and teachers are furnished a manual long ago necessary for this neglected branch of study in our system of public instruction. I can gladly recommend it to the school committees and to teachers as a book that should be used in all our schools.

Yours truly,

MR. GEO. S. WILLIAMS.

DAVID C. SANFORD.

From HON. HENRY DUTTON, Kent Professor of Law in Yale College and Judge of Supreme Court of Connecticut.

NEW HAVEN, CONN., October 13, 1863.

I have examined your manual on the Constitution of the United States, for the use of Academies and Schools. I fully concur with Judge Parker in "the importance of a thorough study of the principles and provisions of the Constitution."

I find your book methodical and trustworthy, and if we would preserve Constitutional government and republican institutions as they were formed and established, the young must be instructed in the principles and provisions of the Constitution. With pleasure I can commend your book for use in our public schools, and I hope it may be soon brought into general use in the plan of school education.

Yours very truly,

MR. GEO. S. WILLIAMS.

HENRY DUTTON.

From HON. J. D. BRADLEY, *Member of the Board of Education of Vermont.*

BRATTLEBORO, December 27, 1861.

I have examined with much interest your treatise on the Constitution. It is a subject on which (as our national troubles warn us) a portion of the present generation of adults are sadly untaught, and I am glad you are trying to furnish the young with some better instruction.

I cannot but hope that our Legislature will regularly introduce the study into our schools, and will see to it that voters before they perform the duties to which their oaths bind them shall have the opportunity of knowing what their oaths mean.

Wishing for your undertaking the best of success,

I am very respectfully yours,

GEO. S. WILLIAMS.

J. D. BRADLEY.

From HON. TIMOTHY P. REDFIELD, *Vermont.*

MONTPELIER, 10th January, 1862.

I have examined your treatise on the Constitution, and gladly, and without reservation, recommend its use in our schools. It is clear in its statements, — full, yet concise ; and the study of the Constitution is a subject that, in my view, should be fully and thoroughly taught in our schools and colleges.

Truly yours, &c.,

MR. GEO. S. WILLIAMS.

TIMOTHY P. REDFIELD.

From the North American Review — 1862.

This book is especially adapted to the use of common schools, and is well suited to the youngest classes of pupils that could be made the subjects of such instruction. This we regard as the principal ground on which it should secure from teachers preference over the several other manuals that have passed under our review. When we say that it is issued from the press to which we are indebted for our quarterly issues, we give ample assurance that in its typographical character it is free from the defects which often annoy us in school-books, is accurately printed, and finished, though in a cheap form, with perfect neatness and good taste.

From SAMUEL H. TAYLOR, LL. D., *Principal of Phillips Academy.*

ANDOVER, MASS., September 1, 1868.

DEAR SIR : I have read your book on the Constitution of the United States, for Academies and Schools, with much pleasure. Such a book has long been needed in all our schools. The principles of the Constitution are clearly and concisely stated, and put into a form to render the book one easy to use in the recitations of the class. It is the only book I have seen and examined in which the Text of the Constitution, the Statutes of Congress, and the Decisions of the Courts are put into a form adapted to instruction in the public schools. Teachers and pupils are under great obligations to you for placing within their reach information heretofore confined to lawyers and judges of the several courts. I hope your book may come into general use, as it can be used without overtasking the memory of pupils, and is free from the heterogeneous technicalities and anomalies which disgust the majority of pupils in the use of larger books in the schoolroom.

With respect, yours truly,

GEO. S. WILLIAMS.

S. H. TAYLOR.

From HON. CHARLES B. LAWRENCE, *Chief Justice of the Supreme Court of Illinois.*

GALESBURG, ILL., July 19, 1871.

GEO. S. WILLIAMS, ESQ.: Dear Sir,—I have examined your work upon the Constitution of the United States, prepared for the use of Schools and Academies, and have no hesitation in saying that it is excellent, both in plan and execution. Its value will be increased by the proposed additions which you have prepared in manuscript for a new edition. The general use of the book in our schools would certainly be of great public utility. I hope your faithful labor will meet a due reward.

Yours very truly,

C. B. LAWRENCE.

From HON. PINKNEY H. WALKER, *Justice of the Supreme Court of Illinois.*

RUSHVILLE, ILL., January 15, 1872.

I have examined your work on the Constitution of the United States, for the use of Schools and Academies. The plan is simple, the definitions are clear and concise, and the arrangement is well suited to the youth of the country. To preserve our institutions, as they have come to us, it is necessary that the principles of our Federal and State Constitutions should be well understood by the people, and I know of no better means of imparting that knowledge than through our common schools. The study of the general principles contained in these instruments should form the finishing course of our common school education. It is to be hoped that our citizens of every condition may give more attention to the study of these fundamental laws, and I trust they will avail themselves of your book, as it is much the best for general use I have seen on the subject. I hope your work may receive the extensive patronage which it merits.

I am, sir, yours, &c.,

MR. GEORGE S. WILLIAMS.

P. H. WALKER.

From HON. WILLIAM K. McALLISTER, *Justice of the Supreme Court of Illinois.*

WAUKEGAN, ILL., January 13, 1872.

From my first knowledge of your work on the Constitution of the United States I have felt a deep interest in it, and have therefore examined it with considerable care; because I have a firm conviction that an accurate understanding, by the intelligent masses of the people, of the theory of our Government, Federal and State, and their proper relations to each other, is indispensable to the perpetuity of the system. The statesmen—the great living teachers of former times to whom the people would listen—are all gone, and the masses are thrown upon their own resources. While they repose in fancied security, the process of withdrawing power from them and the States, and centralizing it in the Federal Government, may be silently and steadily going on. That our youth should be educated up to an accurate comprehension of the system is highly necessary; but that this branch has been neglected, not only in general education, but in the preparation of young men for the bar, must be confessed. It is my individual opinion that no person should be admitted to the bar who does not possess a fair degree of knowledge on this subject. Your work, as far as you have gone, embraces clear and well-supported expositions of the Constitution of the United States, and goes further to facilitate an acquaintance with that instrument than anything I have seen.

Respectfully yours, &c.,

MR. GEORGE S. WILLIAMS.

W. K. McALLISTER.

From HON. ANTHONY THORNTON, Judge of the Supreme Court of Illinois.

SHELBYVILLE, ILL., January 16, 1872.

GEO. S. WILLIAMS, ESQ.: Dear Sir, — The advanced sheets of your book, containing an analysis of the Constitution of the United States, for the use of schools, has been examined with some care.

The simplicity of the plan and explanations will highly recommend the book; and the very clear, thorough, and concise expositions of the several sections will aid the student to comprehend and appreciate the value of our written constitutions.

Removed as we are by lapse of time from the salutary influence of the Fathers of the Republic, it is essential that the American youth should read and study and understand the constitution of his country, and thus know the rights secured and the duties imposed. Thus only can he be fitted for the high responsibilities which await him in the future of life.

I have no doubt that your book will prove highly useful to the youth, as well as to those of maturer years, as a manual of reference and instruction. I trust that your efforts will be amply rewarded.

Very truly yours, &c.,

ANTHONY THORNTON.

From HON. BENJAMIN R. SHELDON, Judge of the Supreme Court of Illinois.

GALENA, ILL., January 29, 1872.

Your work on the Constitution of the United States, for the use of Schools and Academies, so far as I may speak from the cursory examination given it, meets my hearty approval. Its purpose is a useful and highly important one. The work seems excellently adapted to the end designed. Hoping it may meet the appreciation it deserves,

I am, respectfully yours,

MR. GEORGE S. WILLIAMS.

BENJAMIN R. SHELDON.

From HON. JOHN M. SCOTT, Judge of the Supreme Court of Illinois.

BLOOMINGTON, ILL., February 24, 1872.

I have examined your book on the Constitution of the United States, and it affords me great pleasure to bear testimony to its excellence, both as to its plan and its execution. It contains a vast amount of useful information, arranged in a concise and practical form for the purpose of instruction. The book ought to be used in all our public schools and academies. Hoping that your work will be appreciated by the public,

I am, very respectfully yours, &c.,

MR. GEORGE S. WILLIAMS.

JOHN M. SCOTT.

3215.B²

THE

CONSTITUTION

OF

THE UNITED STATES.

FOR THE USE OF SCHOOLS AND ACADEMIES.

BY

GEO. S. WILLIAMS, A. M.



"Each generation in our history needs to be taught *what the Constitution is*, and what the framers of it *understood it to be*, at its formation." — PRESIDENT WOOLSEY.

FOURTH, NEW AND ENLARGED, EDITION.

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TO
THE YOUTH
IN THE PUBLIC SCHOOLS OF THE UNITED STATES
This Manual
ON THE CONSTITUTION OF OUR COUNTRY
IS RESPECTFULLY DEDICATED,
BY THE AUTHOR.

P R E F A C E .

THE following work on the Constitution of the United States has been prepared in order to provide a manual adapted to the present system of instruction in our Academies and Public Schools. Within a few years, the study of the Constitution has been gaining ground, as a necessary part of the education of the young. If it was thought best for the welfare of Rome, that the Patrician youth should be thoroughly instructed in the laws of the Twelve Tables, how much more important that the American youth of each succeeding generation should be taught the fundamental principles of the Constitution of their country. Every two years, and again every four years, the citizens of the United States are required to give their opinions on questions of public policy. From the magnitude of the interests to be affected by such opinions, it is desirable that correct views respecting the organic law, with which personal opinions should be made to harmonize, should be widely disseminated among the young, who, with each revolving year, are expected to discharge the duties of active citizens. Few branches of study in our schools are more extensive in their application, or may be made to contribute more to the general welfare of the people of the United States. The language of the Constitution is not difficult to comprehend, and the duties arising under it are those of every-day life. The nature of the questions to be examined is calculated to give a manly exercise to the intellectual powers of the older members of the Public Schools. It cannot be expected that the young will be duly

qualified for the various duties arising from a twofold citizenship without any study of such duties, or of the institutions peculiar to the United States and the several States of the Union. Even persons advanced in years often find it expedient to give such duties and institutions careful thought before discharging their duties and obligations as citizens of a common country and of separate States.

It is too true, that while we, as a nation, are constantly referring to Constitutional rights and obligations, not one young man in a thousand examines the text of the Constitution, but expects the knowledge needed in the exciting events of our political life as a people will come without study and without reflection. The times in which we are living will make all see the necessity for the study of the Constitution in our public schools, if we would rightly educate the young in the essential principles of our national government.

The maintenance of these principles by an honest, intelligent discharge of the duties arising from an almost universal right of suffrage by the people can be best preserved only through universality of correct opinions respecting the fundamental Law and the institutions existing by its authority. In this new and enlarged edition such additions have been made as the Amendments to the Constitution and the Decisions of the Courts render necessary. The author acknowledges his obligations to the Judges of the Supreme Court of Illinois for suggestions and additions, which are included in this edition. The Constitution of Illinois, of 1870, is inserted after the Manual on the Constitution of the United States.

G. S. W.

Supreme Court Law Library, Ottawa, Illinois, July 26, 1871.

CONTENTS.

| | Page |
|--|------|
| SYNOPSIS OF THE CONSTITUTION | 9 |
| THE CONSTITUTION | 11 |
| THE PREAMBLE | 49 |
| THE LEGISLATIVE DEPARTMENT | 50 |
| THE HOUSE OF REPRESENTATIVES | 52 |
| THE SENATE | 59 |
| POWERS GRANTED TO CONGRESS | 71 |
| THE EXECUTIVE DEPARTMENT | 94 |
| THE JUDICIARY DEPARTMENT | 107 |
| MISCELLANEOUS POWERS AND RIGHTS | 120 |
| THE PROVISION FOR AMENDMENTS | 126 |
| THE SUPREME LAW | 128 |
| THE RATIFICATION OF THE CONSTITUTION | 131 |
| AMENDMENTS OF THE CONSTITUTION | 132 |
| THE CONSTITUTION OF ILLINOIS | 143 |
| WASHINGTON'S FAREWELL ADDRESS | 222 |
| THE DECLARATION OF INDEPENDENCE | 244 |
| THE ARTICLES OF CONFEDERATION | 250 |
| THE FORMATION OF THE STATE GOVERNMENTS | 263 |
| THE ADMISSION OF NEW STATES | 267 |

SYNOPSIS OF THE CONSTITUTION.

PREAMBLE.

1. The Parties to the Constitution.
2. The Objects for forming the Constitution.

ARTICLE I.

- § 1. The Legislative Powers of Congress.
- § 2. The Members of the House. — The Age and Citizenship of Members. — Representatives and Direct Taxes. — The Census and Apportionment. — Vacancies. — Officers of the House.
- § 3. The Senators. — The Class of Senators. — The Age and Citizenship of Senators. — The President of the Senate. — The Officers of the Senate. — The Senate to try Impeachments. — Judgment for Impeachment.
- § 4. The Time of holding Elections. — The Annual Session of Congress.
- § 5. Members of each House. — Quorum. — Adjournment. — Rules of the House and Senate. — Journal of each House. — The Length of Time for which either House may adjourn.
- § 6. Compensation. — Privileges. — Disqualification of Members.
- § 7. Revenue Bills. — Veto. — Passed by Two Thirds of each House. — Bill not returned in ten Days. — The Orders, Resolutions, and Votes in which Concurrence is necessary.
- § 8. The various Powers of Congress.

- § 9. The Migration and Importation of Persons. — The Writ of Habeas Corpus. — Bill of Attainder. — Apportionment of Taxes. — No Export Duty. — Commercial Preference. — Money drawn from the Treasury. — Nobility. — No Officer to receive Presents.
- § 10. The Prohibition of certain Powers to the States.

ARTICLE II.

- § 1. The President and Vice-President, their Terms of Office. — The Electors of the President and Vice-President, how appointed. — Their Compensation and Oath of Office.
- § 2. The Commander-in-Chief of the Army and Navy. — The various Duties of the President. — The Treaty-making Power. — Nomination to Office.
- § 3. Information to Congress. — When he may convene and adjourn Congress. — Receive Ambassadors. — Execute Laws and commission Officers.
- § 4. Forfeiture of all civil Offices for Crime.

ARTICLE III.

- § 1. The Judicial Power. — The Judges and their Tenure of Office — Their Compensation.
- § 2. The Jurisdiction of the Supreme Court. — The Trial by Jury.
- § 3. Treason and its Punishment.

ARTICLE IV.

- § 1. Credit to the Public Acts, Records, and Judicial Proceedings in the several States.
- § 2. Privileges of Citizens of each State. — Fugitives from Justice. — Fugitives from Service or Labor.
- § 3. The Admission of new States. — The Power of Congress over the Territory and Property of the United States.
- § 4. Republican Form of Government guaranteed. — Each State to be protected against Invasion or domestic Violence.

ARTICLE V.

Amendments to the Constitution. — Proviso.

ARTICLE VI.

Certain Debts adopted — The Supreme Law of the Land. — Oath to support the Constitution, by whom to be taken. — No Religious Test.

ARTICLE VII.

The Ratification of the Constitution.

AMENDMENTS.

ARTICLE I.

Religious Establishment. — Freedom of Speech, of the Press, and Right to petition.

ARTICLE II.

Right to keep and bear Arms.

ARTICLE III.

The Quartering of Soldiers.

ARTICLE IV.

Right of Search and Seizure.

ARTICLE V.

Provisions for Prosecutions, Trials,

and Punishments. — Private Property.

ARTICLE VI.

Criminal Prosecutions.

ARTICLE VII.

Right of Trial by Jury.

ARTICLE VIII.

Bail, Fine, and Punishment.

ARTICLE IX.

The Construction of Rights

ARTICLE X.

The Construction respecting Powers.

ARTICLE XI.

The Construction respecting the Judicial Power of the United States.

ARTICLE XII.

The Manner of choosing President and Vice-President.

ARTICLE XIII.

- § 1. Prohibition of Slavery and involuntary Servitude in the United States.
- § 2. Power of Congress under this Amendment.

ARTICLE XIV.

- § 1. Citizens of the United States and of a State.
- § 2. Apportionment of Representatives and of Electors.
- § 3. Disqualification for certain Offices.
- § 4. The Public Debt of the United States.
- § 5. Power of Congress under this Article.

ARTICLE XV.

- § 1. The Right of Citizens of the United States to vote.
- § 2. Power of Congress under this Article.

THE
CONSTITUTION

OF THE

UNITED STATES OF AMERICA,

ADOPTED IN CONVENTION, SEPTEMBER 17, A. D. 1787, CARRIED
INTO EFFECT, MARCH 4, A. D. 1789.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. [Representatives] and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of [free] persons, including those bound to service for a term of years, and excluding Indians not taxed, [three fifths of all other persons.] * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

* See XIV. Amendment, Section 2, p. 37.

SECTION 3.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President

of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior,

and, with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate

and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power, —

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and

reprisal, and make rules concerning captures on land and water :

12. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :

13. To provide and maintain a navy :

14. To make rules for the government and regulation of the land and naval forces :

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions :

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings :— And .

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION 10.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:—

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors

equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

3. [The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there

should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.] *

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—

* This clause is abrogated, and the substitute for it is found in the 12th Amendment. See page 35.

9. "I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4.

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the

laws of the United States, and treaties made, or which shall be made, under their authority ; to all cases affecting ambassadors, other public ministers, and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United States shall be a party ; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be held in the State where the said crimes shall have been committed ; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the

punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed

or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

1. The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment, which may be made prior to the year one thousand eight hundred

and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in

the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President.*

RESOLVED, That the preceding Constitution be laid before the United States in Congress assembled ; and that it is the opinion of this Convention, that it should afterwards be submitted to a convention of delegates, chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification ; and that each convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled.

RESOLVED, That it is the opinion of this Convention, that, as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which Electors should be appointed by the States which shall have ratified the same, and a day on which the Electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution ; that, after such publication, the Electors should be appointed, and the Senators and Representatives elected ; that the Electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary

of the United States in Congress assembled ; that the Senators and Representatives should convene at the time and place assigned ; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President ; and that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention.

GEORGE WASHINGTON, *President.*

IN CONVENTION.

September 17, 1787.

SIR : —

We have now the honor to submit to the consideration of the United States in Congress assembled that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties ; that of levying money and regulating commerce ; and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union : but the impropriety of delegating such extensive trust to one body of men is evident. Hence results the necessity of a different organization.

It is obviously impracticable, in the federal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest

and safety of all. *Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.*

In all our deliberations on this subject, we kept steadily in view that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. *This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.*

That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider that, had her interests alone been consulted, the consequences might have been particularly disagreeable or injurious to others: that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir,
your Excellency's most obedient and humble servants.

GEORGE WASHINGTON, *President*.

HIS EXCELLENCY, THE PRESIDENT OF CONGRESS.

The Constitution was adopted on the 17th September, 1787, by the Convention appointed in pursuance of the resolution of the Congress of the Confederation, of the 21st February, 1787, and was ratified by the Conventions of the several States, as follows, viz.:—

| | |
|----------------------------|----------------------------|
| By Convention of Delaware, | on the 7th December, 1787. |
| “ “ Pennsylvania, | “ 12th December, 1787. |
| “ “ New Jersey, | “ 18th December, 1787. |
| “ “ Georgia, | “ 2d January, 1788. |
| “ “ Connecticut, | “ 9th January, 1788. |
| “ “ Massachusetts, | “ 6th February, 1788. |
| “ “ Maryland, | “ 28th April, 1788. |
| “ “ South Carolina, | “ 23d May, 1788. |
| “ “ New Hampshire, | “ 21st June, 1788. |
| “ “ Virginia, | “ 26th June, 1788. |
| “ “ New York, | “ 26th July, 1788. |
| “ “ North Carolina, | “ 21st November, 1789. |
| “ “ Rhode Island, | “ 29th May, 1790. |

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.

1. The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States,

directed to the President of the Senate ; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted : the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed ; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President : a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear

to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator, or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. That Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

TO TEACHERS AND TO PUPILS.

It is suggested to teachers to give short lessons to classes, — which will permit of the class going over the lesson twice or three times at each recitation. Such repetition will give confidence to the members of the class, and fix the several clauses of the Constitution more thoroughly in the memory of each pupil. The notes are not for the purpose of being committed to memory. As the third clause of Section First, Article Second, is abrogated, it is unnecessary to tax the memory of the pupil to learn it; and so long a lesson as the Twelfth Amendment entire may be divided into two lessons, rather than to crowd the memory with too much at a time. Short lessons well learned encourage the pupil. While going over the Manual part of the book, let the pupil read over several times the Declaration of Independence, the Articles of Confederation, and Washington's Farewell Address.

To pupils, it is suggested that a careful study of the Constitution of the Nation, and of the State in which they reside, may prove one of the most interesting and important branches of their education. They thereby may learn wherein consists equal and impartial justice to all men through the instrumentality of positive laws.

How the State would guarantee freedom of religion, freedom of the press, and freedom of the person through *habeas corpus*, and trial by an impartial jury.

How the State would encourage and strengthen all the industrial interests of the people of the State by proper legislation, and by a proper control of all corporations in the State, in their relations to the labor and prosperity of the people.

In the study of the Constitution of their State, and of the Constitution of the United States, and by an honest reflection on what may be learned, pupils will perceive the means which will secure national honor and prosperity, and individual wealth and happiness. Each pupil, as he leaves the work of the school-room and enters upon the duties and obligations of life, will realize that the studies of the school have an application to the duties and obligations of citizens.

Thus studied, and thus reflected on, the pupil will love his country, love its Constitutions and the Institutions established and existing under them, as means of usefulness and of happiness, for the highest and the noblest ends, through the highest and noblest instrumentalities, — intelligent voters and electors, honest legislators, and impartial, uncorruptible judges.

MANUAL

ON THE

CONSTITUTION OF THE UNITED STATES.

INTRODUCTORY TO THE PREAMBLE.

What is understood by the term Civil Government in the United States ?

The authority and the organization for establishing and regulating the relations, and the rights of persons and of property, under positive laws, as within the jurisdiction of the Government.

What is the form of Government of the United States ?

A Representative Republic, in which the sovereignty of the people, as a Nation, is exercised by Representatives under a written Constitution.

What is included within the term the Constitution ?

It is the fundamental law adopted by the people, for the organization and the preservation of Civil Government, to which all laws must conform, by which all officers under it, and the people adopting it, must alike be governed, and to the provisions of which officers and people must alike submit.

What is understood by the term Constitutional Law ?

The entire body of the Laws authorized by the Constitution of the United States, and by the Constitutions of the several States of the Union.

What does a constitution usually include ?

The principles in accordance with which the Government is established, the division and the limitations of the powers of Government, and the persons by whom the several Departments of the Government shall be administered.

What is the relation existing between Society and Civil Government ?

Society exists for the preservation, the improvement, and the happiness of the human race. Civil Government exists for the preservation and the enjoyment of the rights of persons and of property, and for the redress, or the punishment of private or of public wrongs, under positive laws.

What is the basis of Civil Government in the United States ?

The natural, inalienable rights of the people ; natural, because inseparably belonging to human nature.

What is the source of these rights ?

They arise from the nature, the relations, and the necessities of persons as rational beings and as members of society.

What relative relation between natural and positive rights ?

The Nation, or the States of the Union, through the Constitutional Conventions, or through positive laws, are continually defining and establishing natural rights as positive rights through the instrumentality of National or State Legislation.

NOTE. — Natural rights are the rights of persons inseparable from their nature, and in distinction from the rights of persons in organized society. Thus, the rights of life, of liberty, of happiness, of property, of reputation, of religious belief, and of worship are called natural, inalienable rights, and they exist independent of written Constitutions or of Statute Laws, although embodied in such Constitutions or

Laws, when they become positive rights under the guarantee of positive laws. Natural rights are classed as perfect or imperfect. They are perfect when they can be asserted by force, or by the process of the Courts. They are imperfect when they cannot be so asserted; because, there are no means of enforcing the duties or the obligations arising from these imperfect rights. The rights of persons, the signs and the proofs of property, the relations and the rights of persons under a twofold organization of Government in the United States, and which are defined and guaranteed by positive laws, are denominated Civil Rights.

What is Supreme Sovereignty?

The state or condition of a Sovereign. The possession and the exercise of the powers belonging to sovereignty, through the instrumentality of a person, or body of persons, to whom there is no superior.

Where does Supreme Sovereignty exist in the Republican Government of the United States?

In the people of the United States as a Nation. The people as a Nation being supreme over all institutions of Government.

What is the nature and extent of this Sovereignty?

It is inalienable, indefeasible, and irresponsible to any other authority than the recognized law of Nations. The latent powers of Sovereignty, which lie dormant in the people, are boundless in extent, and incapable of definition.

What are the special objects of this Sovereignty?

In the formation of a written Constitution and in the organization of Civil Government under it, the greatest security of person and of property, and the greatest happiness of the people under Law are the objects to be attained.

What is National Sovereignty?

The highest Civil authority, to which all other within its jurisdiction is subordinate.

How does this Sovereignty manifest itself?

In Laws, consonant with the written Constitution in the relations of persons to the Nation, or of the Nation to persons or things.

What is understood by State Sovereignty?

The authority possessed and exercised by the people of a State, as a component part of the people of the United States, under the limitations imposed in the Constitution of the United States.

NOTE.—From the peculiar and complex nature of Society and of Government in the United States, it is here observed, that National and State Sovereignities are only divisions of the Supreme Sovereignty of the people of the United States vested in separate organizations of Government; each having its own sphere of action, and its own special objects of Legislation and of jurisdiction.

How are the powers of National Sovereignty distributed in the Government of the United States?

1st. To the voters, citizens of the United States: 2d. To the Constitutional Convention: 3d. To the Legislative, the Executive, and the Judicial Departments of the National Government: 4th. To the electors of President and Vice-President of the United States.

NOTE.—In the system of Government of the United States, the rights of voters, or of electors, are civil rights, partaking of the nature of trusts to be possessed and exercised for the general welfare; for, voters or electors, in the discharge of their duties under the Constitution, act not only for themselves as individual members of the body politic, the Nation, but also for the general welfare of this body politic composed of the people of all the States of the Union.

In fact, every officer in the several departments of the Government is only a Representative of the people, and the exercise of every power under the Constitution is of the nature of a trust, for the good of the people of the United States, and as trust is the basis of action between the individual and Society, so also, it is an essential element in the suc-

successful administration of organized Government through the instrumentality of Representatives, for the general welfare.

How is the Term "State" generally used in the Constitution?

It denotes the political community of persons, as a body politic, dwelling within certain territorial limits, under a Constitutional Government, Republican in form, and a member of the Union of the United States. (7 Wallace's S. C. Reports, p. 721.)

What does a State Government of this Union presuppose?

A Government whose officers are sworn to support the Constitution and Government of the United States, and who are discharging their official duties in accordance with such oath.

When was the nationality of the United States instituted?

On the 4th of July, 1776, the people of the "United Colonies" became "the United States of America." (Declaration of Independence.)

What is understood by the external sovereignty of a nation?

The sovereign powers possessed and exercised by the people as a Nation, in its relations, rights, and interests with other nations, under the law of nations.

What is understood by the internal sovereignty of a nation?

The sovereign powers possessed and exercised by the people as a body, politic, in its internal relations, rights, and interests under an organized system of Government.

What may be remarked of the sovereignty of the United States?

The internal sovereignty of the people of the United States was complete from the Declaration of Independence, July 4th, A. D. 1776; their external sovereignty was complete from the ratification of the Treaty of

1782, with Great Britain, (Wheaton's International Law, pp. 32–33. Dana's Edition.)

NOTE.—The American Revolution of 1776 did not subvert all the forms of government and the positive laws of the Thirteen Colonies. It only threw off the sovereignty of Great Britain, as claimed by the Crown and by Parliament. It left the forms of local government and of local laws, which had grown up in the separate Colonies, to be changed as the people of each Colony, through its own Legislature, should direct; and to the people of the United States, through Congress, was left the authority to exercise such powers of General Government as should be necessary for national purposes. Under the Constitution of the United States there is a division of the powers of sovereignty between the National and the State Governments, and because of this division of the powers of sovereignty, these Governments are denominated, in the decisions of the Courts, distinct and separate sovereignties, each acting independent of the other in its own sphere of action and of jurisdiction, but the two sovereignties constituting and representing one indivisible unity, "the people of the United States."—Declaration of Independence; 21 Howard's S. C. Reports, p. 516; XIV. Amendment of Constitution; 11 Wallace's S. C. Reports, pp. 124–126.

What were the forms of local government in the several Colonies previous to July 4th, 1776?

The Charter, the Proprietary, and the Provincial forms of Government.

Which were the Charter Governments?

Massachusetts, Connecticut, and Rhode Island.

Which were the Proprietary Governments?

Maryland, Pennsylvania, and Delaware.

Which were the Provincial Governments?

New Hampshire, New York, New Jersey, Virginia, North Carolina, South Carolina, and Georgia.

NOTE.—The Charter Governments had the authority under their Charters to make such local laws as were necessary for the people of these Colonies. In the Proprietary Governments, the Governors were appointed by the Proprietor, and generally the Proprietor and the Governor, with the consent of the Crown, made such laws as were thought

best for the interests of the Colony. The Governor and the Council of the Provincial Governments were appointed by the Crown, but the representatives were chosen by the freeholders of the Colony. The Governor, the Council, and the Representatives possessed the power of making the necessary local laws.

What limitations on the powers of the Colonial Governments?

The powers of the Colonial Governments were confined in their effects to the territorial limits of each Colony respectively, and all Colonial Laws were required to be not contrary to the Laws of England.

To what extent were the Common and the Statute Laws of England in force in the several Colonies?

So much of these laws, as were suited to the condition and the wants of the people of these Colonies, was adopted as their common law, by which their rights of person and of property were regulated and were secured. (1 Washburn on Real Property, p. 25. Third edition.)

What powers were exercised by the Congress of the United Colonies?

This Congress assumed the powers of sovereignty, which had been exercised by the Crown and by the Parliament.

What was accomplished under this exercise of sovereignty?

The war with Great Britain was carried on; Independence was declared; Treaties were made with Foreign Nations, and Admiralty Jurisdiction was exercised.

What was the effect of the Declaration of Independence?

The people of the United Colonies became an independent Nation, invested with all the rights of war and of peace.

What led to the Articles of Confederation?

The necessity for a specification of the powers which should be exercised by the Government of the United States.

NOTE. — “It has been inquired what powers Congress possessed from the first meeting in September, 1774, until the ratification of the Articles of Confederation, March 1st, 1781. It appears that the powers of Congress during that whole period were derived from the people they represented, expressly given, through the medium of their State Conventions, or State Legislatures; or that after they were exercised they were impliedly ratified by the acquiescence and obedience of the people. After the Confederacy was completed, the powers of Congress rested on the authority of the State legislatures and the implied ratification of the people, and was a Government over Governments.” — 3 Dallas’s S. C. Reports, p. 231.

What, then, were the Articles of Confederation?

They were a Constitution of Government, for the people in their character as States of the Union, for National purposes.

What may be remarked of the government under the Confederation?

The few years’ experience under it proved it very inadequate to the welfare of the nation, and that it was a mere plan for the recommendation of measures to the separate State governments.

What desire had now become quite general among the people?

That of a more perfect union, and a more energetic and efficient national government.

THE PREAMBLE.

Recite the Preamble.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

What does the Preamble make evident ?

The parties who formed the Constitution and the government of the United States, and the objects for which they were formed and adopted.

Who are the parties that formed them ?

The people of the United States, composed of the people of each of the then existing States.

How is this made more certain ?

By the language of the Preamble, which is, "We, the people of the United States," and not we the people of the States of Massachusetts, Connecticut, New Hampshire, &c.

What had been accomplished under the Articles of Confederation ?

The war of the Revolution had been ended, independence as a nation achieved, and peace established.

For what had the Declaration of Independence and the Articles of Confederation prepared the people ?

For a National Constitution and a National Government of the people, adequate to the increasing wants of the whole country.

What may be remarked of the Declaration of Independence and the war of the Revolution ?

They were declared and carried on as the united acts of the people in the several Colonies.

What may be remarked of the objects named in the Preamble?

They are eminently national, and designed to make the people of the United States one country, with one Constitution, and a common destiny.

NOTE. — The Supreme Court of the United States, in 1 Wheaton's S. C. Reports, 324, says that "the Constitution of the United States was ordained and established, not by the States in their sovereign capacities, but emphatically, as the Preamble of the Constitution declares, 'by the people of the United States,' " and the same Court, in 2 Dallas's S. C. Reports, 419, in speaking of the objects mentioned in the Preamble, says: "The people therein declare that their design in establishing it" — the Constitution — "comprehended six objects: to form a more perfect union; to establish justice; to insure domestic tranquillity; to provide for the common defence; to promote the general welfare; and to secure the blessings of liberty to themselves and their posterity. It would be pleasing and useful to consider and to trace the relations which each of the objects bears to the other, and to show that collectively they comprise everything requisite, with the blessing of Divine Providence, to make a people prosperous and happy."

ARTICLE I.

THE LEGISLATIVE DEPARTMENT.

SECTION I.

Recite this section.

1. *All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.*

What is an important object in Civil Government?

A just and wise distribution of the powers of government among its several departments.

What threefold division of the powers of Government in the Constitution?

The Legislative, the Executive, and the Judicial Departments.

What may be remarked of these powers under the Constitution ?

The legislative powers of the government are vested for a limited period in Representatives chosen by the people ; the executive powers are vested in a President chosen by the electors for a certain period ; and the judicial powers are vested in a certain number of persons during their good behavior.

How are the powers distributed in the Constitution ?

In such a manner that each department may be independent of the other departments in its appropriate sphere of action.

What is the proper sphere of each department ?

The legislative department makes, the executive department executes, and the judicial department interprets the law. The legislative department may commit certain powers to the other departments.

What is the limit of this discretion ?

Congress cannot delegate to the courts, nor to the executive, powers strictly legislative.

What is a prominent principle in our form of government ?

The repeated denial by the people of any arbitrary power to the legislative department.

Of what rights are the people of the United States very tenacious ?
Of their political rights.

What does the Declaration of Independence say of the legislative powers ?

That they are incapable of annihilation.

How is encroachment guarded against ?

By making the qualifications, period of holding office, and the duties of the same, different in the three departments.

Which department is regarded as superior ?

The legislative ; it being the law-making branch of the government.

What is the division of the legislative department?

Into two branches. The Senate and the House of Representatives.

Why this division?

That each branch may have a negative on the legislation of the other branch.

Why this negative?

To prevent hasty and injudicious legislation, and thus promote confidence in the government, and the prosperity of the whole country.

What is affirmed respecting the legislative powers?

That there are restrictions on the legislative powers of government not found in our State Constitutions nor in the Constitution of the United States.

NOTE. — Judge Story says, “A government founded by the people, for themselves and their posterity, and for objects of the most momentous nature, requires that every interpretation of its powers should have a constant reference to these objects”; and Judge Chase says, “There are certain vital principles in our free republican governments which will determine and overrule an apparent and flagrant abuse of legislative power. An act of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact cannot be considered a rightful exercise of legislative authority.” — 3 Dallas’s S. C. Reports, 386.

SECTION II.

THE HOUSE OF REPRESENTATIVES.

Recite this clause.

1. *The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.*

How often are members chosen?

Every second year.

Why for so short a period ?

That the members of the House may the more directly represent the views of the people in the legislation of Congress.

Who may be electors ?

Those who possess the qualifications for electors of members of the most numerous branch of the State Legislatures.

Are the conditions of suffrage the same in the several States ?

They are not, nor were they at the time of the adoption of the Constitution.

Why were the qualifications of electors left to the States ?

Because it was supposed it would result in the choice of members who would represent more fully the different interests of the people of the several States.

On what does the right of suffrage depend ?

In some States, on residence and the payment of taxes ; in others, on residence and citizenship ; and in some, on the possession of a freehold of a certain value and the payment of taxes, or on the performance of military service.

Can the States add to the qualifications for Representatives ?

The States cannot require any qualifications additional to those of the Constitution.

Does a member of the House represent the constituents of his own State only ?

He does not. He is a representative of the people of the United States, and his duties should be bounded by the limits and general welfare of the whole nation.

What may be remarked of the operations of the national government ?

They become more complex and comprehensive with the increase of population and the commercial relations of the country.

Recite this clause.

2. *No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.*

Why the age of twenty-five years named ?

Because few persons possess the general information, sound judgment, and independence of character requisite for a representative of the United States at an earlier age.

Why seven years' citizenship of the United States ?

That a Representative of foreign birth may know the opinions and interests of his immediate constituents ; and that the constituents may know the character and ability of such Representative.

How are we to understand the term *citizen* in this part of the Constitution ?

The terms *citizen* and *people* of the United States are used as synonymous terms, and hence *citizen* means one of the people of the United States.

Who are citizens of the United States ?

The native-born citizens of the United States, and aliens, who have become citizens by naturalization.

Can a State confer the right of citizenship ?

No State law passed subsequent to the adoption of the Constitution can give the right of citizenship out of the limits of such State. (XIV. Amendment, Section 1.)

Upon whom can Congress confer this right ?

Upon aliens.

What is meant by the phrase *incipient citizen* ?

It is applied to such persons, being aliens, as have

taken out their first papers, and they are entitled to the protection of the United States.

What are the rights of naturalized citizens?

They are entitled to all the rights of citizenship, with such exceptions as are prescribed in the Constitution and laws of the United States.

What is meant by the term *inhabitant* of a State?

An inhabitant of a State is one who is a resident of the State, subject to its laws, and entitled to the rights, privileges, and protection of such laws.

Recite this clause.

3. *Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of [free]* persons, including those bound to service for a term of years, and excluding Indians not taxed [three fifths of all other persons.]* The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.*

Who are excluded in the enumeration for Representatives?

Indians not taxed.

* These phrases abrogated by the XIII. Amendment. See also XIV. Amendment, Section 2.

Why were numbers chosen for the ratio of apportionment?

Numbers seemed a more natural rule than any other proposed, and less objectionable in respect to fraud or evasion.

How often is the census taken?

Every ten years.

How often, then, will the ratio for apportionment change?

With each decennial census.

What is the rule for States admitted subsequent to each apportionment?

The Representative or Representatives from such new State or States will be in addition to the number required by the existing law of apportionment, but will so continue only until the next apportionment.

What right is granted each organized Territory?

One Delegate in the House of Representatives, with the right to introduce bills and motions. Such Delegate has no vote on any question, but may speak on any subject of debate.

What is the ratio of apportionment according to the census of 1870?

One Representative for every 133,678 persons.*

NOTE. — The ratio for the census of

| | | | |
|----------------|--------|----------------|---------|
| 1790 | 33,000 | 1840 | 70,000 |
| 1800 | 33,000 | 1850 | 93,702 |
| 1810 | 35,000 | 1860 | 127,316 |
| 1820 | 40,000 | 1870 | 133,678 |
| 1830 | 47,700 | | |

The number of members of the United States House of Representatives, at different periods, has been as follows:—

| | | | |
|-----------------------|-----|-----------------------|-----|
| 1793 | 65 | 1833 - 1843 | 240 |
| 1793 - 1803 | 105 | 1843 - 1853 | 223 |
| 1803 - 1813 | 141 | 1853 - 1863 | 236 |
| 1813 - 1823 | 181 | 1863 - 1872 | 242 |
| 1823 - 1833 | 213 | 1872 | 283 |

* According to Bill which has passed the House.

Recite this clause.

4. *When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.*

Is the Executive to wait until informed by the House of such vacancy?

He need not. He can receive the resignation of a member, and issue a writ for an election for the vacancy.

When are the issue of such writs necessary?

In case of the sudden death or resignation of a member or members, and sometimes when repeated elections are necessary for the choice of a member.

Recite this clause.

5. *The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.*

Which are some of the officers included in the phrase "and other officers"?

The Clerk, Sergeant-at-Arms, Door-Keeper, and Postmaster of the House, who hold their office until their successors are appointed.

What is the present rule in respect to the appointees of the above-named officers?

They shall be subject to the approval of the Speaker.

How is the business of the House facilitated?

Through the Standing Committees, and such special committees as shall be appointed at each session.

What is the object of an impeachment?

To bring to trial such civil officers of the United States, as, from imbecility or maladministration, have become unfit to exercise the duties of their office.

How is the power of impeachment regarded?

As one of the most important class of powers of

the Constitution, being the only mode in which the Judiciary is made responsible, and acting as a check on the Executive, and the subordinate officers of this department.

Why could impeachment not be left to the ordinary courts of justice ?

Because the rules relating to an impeachment are different from those in use in the courts of ordinary jurisdiction, and the object of an impeachment is beyond the penalties of statute or common law.

What is claimed by the House under this clause ?

The right of inquiring whether the President, Vice-President, or any civil officer of the United States, has so used his office as to make it necessary for the House to act with a view to impeachment.

What has the House constantly claimed ?

The power of inspecting, inquiring into, and supervising the several departments of the government.

What may be remarked of the privileges and immunities of the President ?

He has no privileges nor immunities beyond those of a citizen.

What would be the effect of abandoning the right to investigate ?

It would tend to the concentration of power in the Executive Department, dangerous to the rights of Congress, or of the people.

NOTE. — "If the House of Representatives should at any time have reason to believe there had been malversation in office, by an improper use or application of the public money by a public officer, and should think proper to institute an inquiry into the matter, all the archives and papers of the Executive Department, public and private, would be subject to the inspection and control of a committee of their body." — *Message of President Polk, First Session, 29th Congress.*

SECTION III.

THE SENATE.

Recite this clause.

1. *The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.*

What may be remarked of the peculiar representation in the Senate?

The perfect equality in the Senate of each State is designed to secure to the people of each State an equality of political power in the legislation of Congress.

How is this equality in representation modified in practice?

The representation from a State often becomes mixed up with that of a majority of the States, through the Senators of such State voting on opposite sides of a question.

What is the difference in the representation of a State in the Senate and in the House?

In the Senate, the representation of each State represents equality of political power, without regard to population; but the representation in the House indicates the population of a State, and its special numerical influence on legislation.

What is left indefinite in the Constitution in relation to Senators?

Whether the election of Senators shall be by a joint or concurrent vote of the two branches of the State Legislature.

What is a concurrent vote?

One in which each branch of the State Legislature gives a separate and independent vote.

What is a joint vote?

One in which the Senate and House of a State Legislature give a united numerical vote as one body.

Recite this clause.

2. *Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.*

Why is the Senate thus divided?

That at all times there may be members in the Senate familiar with the legislation thereof, and that it may be less liable to the effects of political excitement than the House.

How is the Senate regarded?

As a permanent body, continual and perpetual in its existence.

What is the benefit of the difference in the terms of office in the Senate and in the House?

It makes the Senate more uniform in its action, and gives more confidence in the legislation of Congress.

How may a Senator's seat be vacated?

By a letter of resignation, addressed to the Executive of the State; but the said Senator need not have received a notice of its acceptance to make such vacancy complete.

What is the rule respecting an Executive appointment?

The Executive of a State, during the recess of the Legislature, can appoint only for a vacancy that has taken place at the time of such appointment.

When does the commission of a Senator thus appointed expire?

At the end of the next succeeding term of the Legislature of such State.

Recite this clause.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Why thirty years the minimum age for a Senator?

It was thought to be as soon as a person generally would be duly qualified, by experience and information, for the various duties of a Senator.

Why nine years' citizenship of the United States?

It was thought as short a period as would suffice for an alien fully to inform himself of our institutions and form of government, and to free himself from prejudice and partiality for his native land.

What more is required?

He must be an inhabitant of the State for which he shall be chosen.

What is the rule of the House and of the Senate respecting the qualifications of Representatives and of Senators?

The Senate and the House of Representatives disregard all provisions of State Constitutions, and enactments of State Legislatures, limiting the people, or the State Legislatures, in their choice of Senators or of Representatives to Congress as unconstitutional.

Recite this clause.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

Why the Vice-President the presiding officer of the Senate ?

To preserve the equality of the States in the Senate ; and not representing any one State, but the people of all the States, it was presumed the Vice-President would vote in all cases as would be for the good of the people of all the States.

What other reason ?

His position making him conversant with the business of Congress, he would be the more fully prepared for the discharge of the duties of President, in case of a vacancy.

Recite this clause.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Which are the officers included under the term "other officers" ?

A Secretary, Clerk, Sergeant-at-Arms, Door-Keeper, Postmaster, and their subordinates in office.

What practice has become a rule of the Senate ?

For the Vice-President to vacate the chair of the Senate before the close of the session, in order that the Senate may choose a President *pro tempore*.

Recite this clause.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside ; and no person shall be convicted without the concurrence of two thirds of the members present.

Why is this power vested in the Senate ?

The power of impeachment being in the House, it was deemed best that the right to try the impeachment

should be in the Senate, in order that the same body might not be the accuser and the judge.

What class of cases are involved in an impeachment?

Political and judicial questions, not provided for by positive statute law, as in other cases.

What is the object of an impeachment?

To see if just cause exists for the removal of a public officer from his office.

Upon what should judgment be based?

Upon general and comprehensive principles in the discharge of the duties of public office.

Why two thirds necessary to convict?

As a check to the party spirit likely to exist in a case of impeachment.

Where is the power of impeachment under the British Constitution?

The House of Commons have the sole right of impeachment, and the House of Lords have the sole power to try all impeachments.

What number required for a judgment in the House of Lords?

The concurrence of at least twelve members.

Recite this clause.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

How does the judgment in the House of Lords differ from that of the Senate?

In the House of Lords, it extends to the punishment of the crime, including capital punishment, banishment, forfeiture of goods and lands, fines, and imprisonment.

SECTION IV.

Recite these clauses.

1. *The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof: but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.*

2. *The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.*

What objection has been made to the first clause?

That the power given to Congress over the elections of Senators and Representatives, is one contrary to the interest of the people of the separate States.

How is this objection answered?

That such final power must be either in Congress, or with the separate States, and it was thought best it should be in Congress.

Why was it not left to the States?

Because, in a time of intense party excitement, the existence of the national Congress might be at the mercy of the State Legislatures.

What is secured by the second clause?

An annual meeting of the national Legislature is made certain, beyond the control of State legislation.

When does the constitutional term of Congress expire?

At twelve o'clock at noon of the 4th of March.

NOTE. — If the Legislature of any State fails to prescribe the times, places, and manner of holding the elections as required by the Constitution, the Governor of such State in case of any vacancy shall give a reasonable notice in his writ of election of the times, places, and manner of holding such election for the election of Senators. — See Act of July 25, 1866; 14 United States Statutes, pp. 241, 242.

SECTION V.

Recite these clauses.

1. *Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.*

2. *Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.*

How are the returns of the State authorities regarded?

As *prima facie* evidence of an election of a member, but are not conclusive on either house.

What is the effect of a refusal of the Executive of a State to give a certificate of election?

It does not prejudice the right of such member to his seat, and if entitled to it he will hold it.

What advantage in having a definite number for a quorum?

It makes it difficult for a number, less than a majority of each house, successfully to impede the legislation of Congress, by withdrawing themselves from either house.

What is the object of the second clause?

To aid in the order of business, and preserve the decorum of either house.

What is the rule for expulsion?

Expulsion may be for any misdemeanor inconsistent with the trust and duties of a member of Congress.

What is the rule in regard to contempt?

By the common law, each house claims the right to punish persons, not members of Congress, for contempt.

What is the extent of the punishment for contempt ?

Imprisonment until the adjournment or dissolution of Congress.

Recite this clause.

3. *Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.*

What is the object of this clause ?

To give publicity to the acts of Congress.

How is permanent publicity given to the acts of individual members ?

By an entry on the journal of each house, respectively, of the yeas and nays of the members of either House on any question or resolution.

Recite this clause.

4. *Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.*

Why this restriction ?

To prevent a majority in either House from interrupting for more than three days the legislation of Congress.

SECTION VI.

Recite this clause.

1. *The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases except treason, felony, and breach*

of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

What was the former compensation of members of Congress?

A *per diem* allowance, with mileage in going to and in returning from Congress.

What is the present compensation?

Five thousand dollars per annum, with mileage at twenty cents per mile of the nearest estimated distance. (14 United States Statutes, p. 323.)

What is the compensation of the Speaker and of the President *pro tempore* of the Senate when acting as Vice-President?

Eight thousand dollars per annum, with the estimated mileage.

Why are peculiar privileges given to members by this clause?

That their constituents may not be deprived of their services, nor members interrupted in or detained from the discharge of their duties.

What other rights under this clause?

A member in case of an arrest may be discharged by a writ of *habeas corpus*. He may have an action of trespass on his privilege, and the arrest may be punished as a contempt of the House.

Recite this clause.

2. *No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States*

shall be a member of either house during his continuance in office.

What is one object of this clause ?

To prevent the creating of new offices, or the increasing the emoluments of any existing offices, and the appointment of members of Congress to such offices.

What other object ?

To serve as a check to the increase of the power of the executive department over the legislative department, through the appointment to office.

How can a member be appointed to an existing office ?

By resigning his seat in Congress.

What is the rule respecting a person holding an office under the United States, but elected to Congress ?

His holding such office is not a disqualification for being a member of Congress, but the office must be resigned before taking his seat as a member of either House.

SECTION VII.

Recite this clause.

1. All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments, as on other bills.

Why should these bills originate in the House ?

Because the House is the more immediate representative of the wishes of the people than the Senate.

What is the advantage from the power of the Senate over these bills ?

The equal influence of the States is protected from the power of the larger States through their increased representation in the House of Representatives.

What is thus prevented ?

Taxes, laid by these bills, that might bear with severity on the smaller States.

Recite these clauses.

2. *Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.*

3. *Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate and House*

of Representatives, according to the rules and limitations prescribed in the case of a bill.

When does a bill, resolution, or order become a law ?

From the time the President signs it, and it acts prospectively.

What is the rule of the Senate for passing a bill over the veto of the President ?

That two thirds of a quorum only are necessary to pass a bill over the veto of the President, and not two thirds of the whole Senate. (See Senate Journal, 7th July, 1856.)

What is the character of a veto ?

It is a qualified negative, as any bill or resolution can be repassed and become a law, by a vote of two thirds of each house.

Why is this negative granted ?

As a check on the encroachment on the rights and powers of one department over another department by legislation.

How is the veto regarded ?

As a check to hasty and unconstitutional legislation.

How was it supposed the President would view a bill ?

Being the more direct representative of the whole nation, it was concluded he would be less under the influence of sectional opinions than members of Congress.

Why is the veto thus extended in the third clause ?

That Congress may not pass, under the name of an order, resolution, or vote, what has already been vetoed as a bill.

What is the rule in the case of a joint resolution ?

“A joint resolution approved by the President, or duly repassed without his approval, has all the effect of law.” (6 Opinions of Attorneys-General, 682.)

What is the rule respecting the separate resolutions of either House ?

They have no power over the President, or the heads of the Departments, unless within the parliamentary rights of such house. (6 Opinions of Attorneys-General, 683.)

What seems to have been a prominent object with the framers of the Constitution ?

Such a distribution of the power of government among the several departments, that not any one of the three departments should exercise the powers peculiar to the other two departments.

NOTE. — The proper time for each department, as a co-ordinate branch of the national government, to exercise its influence over a bill, resolution, or order, seems to be as follows :— The Legislative department should do it at the time of making, amending, or repealing a bill, resolution, order, or law of Congress. The Executive should do it before he signs a bill, resolution, or order, thus making it a part of the supreme law of the land ; and the Judiciary should do it, when a law comes before the Supreme Court in a case within their jurisdiction.

SECTION VIII.

POWERS GRANTED TO CONGRESS.

Recite this clause.

The Congress shall have power,—

1. *To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts, and excises shall be uniform throughout the United States.*

Into what two classes may the taxes here mentioned be divided ?
Direct and indirect.

Which are the direct ?

Taxes upon persons and upon land.

Which are the indirect ?

Taxes on articles of consumption, including duties, imposts, and excises.

How must direct taxes be laid ?

They must be apportioned among the several States, according to their respective population by the census last taken.

Why is uniformity required in indirect taxes ?

To prevent Congress from legislating in such a manner as shall favor one State or section of the Union above another State or section.

NOTE. — A few of the important decisions of the Supreme Court on the power of taxation under this clause of the Constitution are given, and also the authorities for reference, to aid such as may desire more full information on this point.

The power granted by this clause to lay and collect taxes, duties, imposts, and excises, is coextensive with the territory of the United States. — 5 Wheaton's S. C. Reports, 317 - 325.

The power of Congress for taxation is plenary for national objects, including direct taxes, duties, imposts, and other classes of indirect taxes not included in either of the above-mentioned classifications. — 3 Dallas's S. C. Reports, 171.

Congress cannot impose a tax for purposes within the exclusive sovereignty of the States. — 9 Wheaton's S. C. Reports, 199.

The sovereignty of a State includes everything that exists by its own authority, or is introduced by its permission. — 4 Wheaton's S. C. Reports, 429.

"The States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operation of the constitutional laws enacted by Congress to carry into execution the powers vested in the general government." — 4 Wheaton's S. C. Reports, 436.

Cars, stages, or carriages, owned by individuals, and used in transporting the mail, may be taxed by a State, if taxed at the same rate as other property. — 7 Howard's S. C. Reports, 402.

Taxes for State purposes cannot be imposed on the salaries or fees allowed by the laws of the United States to officers in the service of the United States. — 16 Peters's S. C. Reports, 435 - 450.

The loans of the government of the United States are not liable to

taxation by the States of this Union. — 2 Peters's S. C. Reports, 449 – 480.

The Supreme Court of the United States has recently decided "that the Salaries of all necessary agencies for the legitimate purposes of State Government are not proper subjects of the taxing power of Congress." The Court further declared that a tax upon the Salary or Emoluments of an officer, who is a necessary agent for carrying into effect the legitimate powers of a State Government, is unconstitutional. — 11 Wallace's S. C. Reports, pp. 122 – 128.

The agencies of the Federal Government are only exempt from State legislation so far as that legislation may interfere with, or impair their efficiency in performing the functions by which they are designed to serve that Government. — 9 Wallace's S. C. Reports, p. 362.

The power of taxation is concurrently exercised by the National and the State Governments to a certain extent, but Congress can withdraw the exercise of this power by a State over such property as comes within the powers conferred on the National Government, and which, when exercised by Congress, is exclusive of and supreme over the legislation of a State.

The power of taxation is essential to the existence of government, and it is limited by the exigencies of the government. This power is intrusted to the legislators, and any abuse of it arising from unwise or unjust legislation is guarded against by the influence of the constituents over their Representatives.

Under any form of government the power of taxation is liable to be abused. Such abuse of the taxing power is incident to human nature and to human institutions. Much must be left to the discretion, the wisdom, and the honesty of the legislative department, and any evil results within the powers conferred in the Constitution can be remedied by a change in the Representatives.

In the framing of constitutions, and in the organization of governments under them, plenary power for all the purposes of civil government is vested in the legislative department, subject to the limitations contained in the Constitution of the United States, or in the Constitution of each separate State. Experience has shown the need of these constitutional restraints, especially in the exercise of the power of taxation.

Recite this clause.

2. *To borrow money on the credit of the United States.*

Why was this power granted ?

Because indispensable to carry on the government in a time of war with foreign nations, or during a domestic rebellion, when the usual means of revenue are inadequate for the expenses of the government.

What may be remarked of this power ?

It cannot be controlled or in any manner modified by State legislation.

How is it limited ?

By the discretion of Congress and the wants of the national government.

How is the power of this clause made applicable ?

By Congress authorizing the President to borrow money on the credit of the United States.

What proofs of indebtedness are given by the government ?

Certificates of stock are issued, with the consent of the President, by the Secretary of the Treasury to the creditors of the government.

How are these certificates transferable ?

They are transferable on the books of the Treasury.

NOTE. — The Secretary of the Treasury, when required, shall cause to be attached to any certificate coupons of interest, and such certificate or certificates having coupons attached may be transferred by delivery, or by an indorsement in blank. — 5 Opinions of Attorneys-General, 100.

So, also, the government sometimes makes use of treasury-notes, for the purpose of raising money on the credit of the United States. These notes are issued under an Act of Congress.

These notes may be transferred by delivery and assignment indorsed thereon, by the person to whose order they shall have been made payable, and they may be used in payment of all duties and taxes laid by Congress, and in payment of the sale of the public lands, and of all debts of the United States due and payable at the time such treasury-notes may be offered for such payment.

The interest of such treasury-notes ceases at the expiration of sixty days' notice, after the maturity of such notes. — 9 United States Statutes, 118.

Recite this clause.

3. *To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.*

How is the term *commerce* used in this clause ?

It includes intercourse for purposes of trade, and all the means by which this intercourse is carried on, whether through the navigation of the waters of the several States, or by overland passage through those States.

What is the extent of this power ?

It is complete in itself, and acknowledges no limitations, excepting those prescribed in the Constitution. (9 Wheaton's S. C. Reports, 196 ; 9 Howard's S. C. Reports, 560.)

What are those limitations ?

Such as, in the discretion of Congress, are needed, to provide for the common defence and promote the general welfare.

How may the commercial policy of a nation be regarded ?

As one of the most important means of national development, prosperity, and civilization.

What is the basis of commerce ?

Agriculture, manufactures, mining, fishing, and lumbering.

What are some of the modifying causes ?

The productions, consumption, and geographical position of a state or nation.

What other causes depending more particularly on the people ?

The laws affecting the security and distribution of property, the special character of the people, the growth of towns and cities, and the means of communication.

What was one of the principal reasons for forming the Constitution ?

The want of power under the Articles of Confederation to make uniform and necessary regulations for the commerce of the United States.

What construction has been given to this clause ?

It includes the navigation of the high seas, bays, harbors, lakes, and navigable waters of the United States, without regard to the ebb and flow of the tide.

What has been the general practice of the government in its laws relating to commerce ?

So to discriminate in its revenue laws as to encourage the agricultural and manufacturing interest of the country.

What is the rule respecting the Indian tribes ?

They are considered under the control and protection of the United States, and Congress may prohibit all intercourse with them except by a license.

How are the Indian tribes regarded ?

As a political state under guardianship, and they may sue in the courts of the United States.

What decision has the Supreme Court made respecting the Indian lands ?

The exclusive right of pre-emption of the Indian lands within the territories of the United States belongs to Congress.

NOTE. — Each State has the exclusive power to regulate its internal domestic commerce between man and man within its limits, providing its laws for such regulation do not interfere with a law of Congress or any treaty stipulation. — 9 Wheaton's S. C. Reports, 194–196 ; 5 Howard's S. C. Reports, 504–588.

It is a general rule of construction, that the powers enumerated in the Constitution are limited to specific objects, and that where a power is granted all the means necessary to give effect to the power are included. This rule should be kept in mind in studying the Constitution.

Recite this clause.

4. *To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States.*

What principle is affirmed by this clause ?

The right of a person to expatriate himself from one nation, and become a citizen of the United States.

What was the practice under the Articles of Confederation ?

Each State possessed the power of naturalization, and the want of uniformity in their laws must soon have resulted in questions of some considerable difficulty of adjustment.

What may be remarked of the extent of this power ?

It is exclusively vested in Congress, and they may so exercise the power as they shall deem best for the general welfare, provided the laws of naturalization are uniform in their operations.

What laws have been passed under this clause ?

The Act of 1802, modified by the Acts of 1804, 1813, 1816, 1824, 1828, 1848, and 1862.

What are the leading principles of these acts ?

That there may be no discouragement to immigration, and no unreasonable hinderances in obtaining the right of citizenship.

What is required in the oath of allegiance ?

That the renunciation of any former allegiance be entire, and a complete adoption of the principles and interests of the people of the United States.

What limitation is imposed by the Constitution ?

A naturalized citizen cannot be President or Vice-President of the United States.

What rights may the States confer on aliens ?

Any municipal State rights, according to the discre-

tion of the State ; but the right of citizenship granted to an alien by a State cannot include the right of citizenship of the United States.

How should the rights and duties of citizenship be regarded ?

As the most valuable and responsible civil trusts yet granted by any government.

What is the object of bankrupt laws ?

To secure to creditors an equitable distribution of the property of a debtor, and to give to the debtor a legal discharge from his liabilities to his creditors.

What may be remarked of the laws of bankruptcy between different states and nations ?

Being a part of the municipal law of each state or nation, they have no effect beyond the territorial limits of such state or nation.

How many acts of bankruptcy have been passed by Congress ?

Three, the Act of April, 1800, repealed in 1803, the Act of August, 1841, repealed in 1843, and of 1867.

NOTE. — Citizenship of the United States is not dependent on the possession and exercise of any particular civil or political rights (19 Howard's S. C. Reports, 583), and what citizens may exercise the right of the elective franchise, or enjoy special civil rights and privileges in any State, depends on the local laws of such State.

The Insolvent Laws of any State are confined in their effects to the citizens of the State having passed such laws, and they cannot discharge antecedent debts, but only those contracted after the passing of such laws. (4 Wheaton's S. C. Reports, 122 ; 12 Wheaton's S. C. Reports, 273.) An alien, who has acquired land in one of the States before his naturalization, may hold it by virtue of a subsequent naturalization (11 Wheaton's S. C. Reports, 332) ; and an alien being a resident of the United States can sue in the several courts of the United States (7 Peters's S. C. Reports, 413).

Recite these clauses.

5. *To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.*

6. *To provide for the punishment of counterfeiting the securities and current coin of the United States.*

Why the power given in these clauses ?

To insure uniformity in the currency of the United States, and in the weights and measures of the several States, as indispensable to the wants of commerce.

NOTE. — Under the sixth clause, Congress has made the counterfeiting the securities or the current coins of the United States, the foreign coins received by the United States, the certificates of public stock, or letters-patent, felony punishable by fine and imprisonment.

Recite this clause.

7. *To establish post-offices and post-roads.*

What is the object of this clause ?

To facilitate the transmission of intelligence, and to furnish to the government and to individuals safe, speedy, and efficient means for certain business communications.

What laws have been passed under this clause ?

Those for the regulation of post-offices and post-roads, and for the punishment of offences against such laws.

NOTE. — The Post-Office Department is restricted to the use of the roads laid out under State laws ; but having adopted such roads, the States cannot interpose any obstructions to their use for the mail service. So also, an order from the War Department making a railroad, or any road within a State, a military road, will prohibit a State from interposing any obstruction to its use for such purposes.

The punishment for offences against the post-office laws is a fine, or a fine and imprisonment for not less than two years nor more than twenty, according to the nature of the offence. The punishment in case of conviction a second time for robbing the mail, or attempting to rob the mail by the use of dangerous weapons, and thereby wounding the person having the custody of the mail, or putting his life in jeopardy, is death. — 4 United States Statutes, 107.

Recite this clause.

8. *To promote the progress of science and useful arts, by securing, for limited times, to authors and*

inventors, the exclusive right to their respective writings and discoveries.

What laws have been passed to give effect to this clause ?

The laws of copyright and of patents.

Who are entitled to a copyright, and for what ?

Any person, being a citizen of the United States, or a resident therein, who shall be the author of a new and original arrangement or combination of materials, whether new or old, will be entitled to a copyright therein.

For how long a period is a copyright given ?

For twenty-eight years from the time of recording the title as the statute directs, and a renewal for fourteen years, for the benefit of the author or his heirs.

On what does the right of an author rest ?

On an act of Congress.

In what has an author a right at common law ?

In his manuscript, and by injunction, he may have a remedy against any unlawful use of his manuscript by the public.

How may a copyright be assigned ?

By deed, acknowledged and recorded as the statute requires.

For how long a time are patents now granted ?

For seventeen years, without any extension ; and designs may be patented for three and one half years, for seven years, and for fourteen years, as the applicant may elect. (Act of 2 March, 1861.)

For what may a patent be granted ?

For any new and useful art, machine, manufacture, or composition of matter ; or any new and useful improvement on either of the above things, not known or used by others in this country.

What may be remarked of the Act of 2 March, 1861?

It cuts off the intrigue and corruption practised in the former renewal of valuable patents, and will tend to diminish the extension of patents by Congress.

What right is secured respecting witnesses?

The right of contestants to summon witnesses, and to enforce their attendance.

What recent important decision has been made by the United States Court?

That an unreasonable delay, by the applicant for a patent, in pushing his application to the court of last resort provided in such cases, amounts to an abandonment of his right to a patent. (Decision of Judge Merrick, United States Circuit Court, D. C.)

What changes in favor of aliens are made by the Act of 1861?

Those included within the eleventh section of the Act of 2 March, 1861, may take out patents on the same terms as citizens of the United States, excepting aliens of those countries which discriminate against the United States.

NOTE. — “The power of Congress to legislate upon the subject of patents is plenary by the terms of the Constitution; and as there are no restraints on its exercise, there can be no limitation of their right to modify, at their pleasure, the law respecting patents, provided they do not take away the rights of property in existing patents.

“Congress has general power, under the Constitution of the United States, to grant patents to inventors; and it rests in the sound discretion of Congress to say when and for what length of time, and under what circumstances, the patent for an invention shall be granted.

“There is no restriction which limits the power of Congress in extending a patent to cases where the invention had not been known or used by the public. All that is required is that the patentee should be the inventor.

“In America, the more liberal policy has always prevailed, from the time when patent rights came under the protection of the general government; and the rule has been often laid down by the courts of the United States with a good deal of strength, — as if in obedience to the spirit of the Constitution, — that patents ought to be construed liberally. Per-

haps the general language which has thus been employed by judges would lead to the conclusion, that the leaning of the courts is, systematically, in favor of the patentee and against the public; but this tendency has not been exhibited so strongly, in practice, as to derange the administration of the law.

“The truth is, a patent should be construed as, what it really is, in substance, namely, a contract or bargain between the patentee and the public, upon those points which involve the rights and interests of either party.”

Recite this clause.

9. *To constitute tribunals inferior to the Supreme Court.*

What laws have been passed under this clause?

The laws establishing the Circuit Courts, the District Courts, and the Court of Claims, and defining the jurisdiction of each respectively.

Recite this clause.

10. *To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.*

How is piracy defined?

As robbery on the high seas.

What is meant by felonies?

They include those crimes which at the common law caused a forfeiture of lands and goods, and were generally punished by death.

How is the term *high seas* used in this clause?

It embraces all the waters of the ocean at full sea, but not including creeks and inlets within the territorial limits of a state or nation.

Recite these clauses.

11. *To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :*

12. *To raise and support armies ; but no appropria-*

tion of money to that use shall be for a longer term than two years :

13. *To provide and maintain a navy :*

14. *To make rules for the government and regulation of the land and naval forces :*

15. *To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions :*

16. *To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.*

How may these clauses be regarded ?

These clauses, with the clause making the President commander-in-chief of the army and navy, and of the militia of the several States when called into the service of the United States, are the war powers of the national government.

How are the war powers of a nation regarded ?

They are the highest attributes of sovereignty, necessary for the security of a nation, and often involving its prosperity and existence.

What may be observed of the powers conferred by these clauses ?

They are very extensive, and, with an efficient executive, cannot fail of being adequate in case of foreign war, domestic insurrection, or opposition to the laws of the United States.

What does the third section of the second article require of the President ?

That he shall take care that the laws of the United States be faithfully executed.

What does the President declare under oath ?

That he will to the best of his ability preserve, protect, and defend the Constitution of the United States.

By whom must war be declared, and by whom carried on, under the Constitution ?

War must be declared by Congress, and it is the duty of the President to see that the war is effective of the object for which it is carried on. (8 Cranch's S. C. Reports, 153, 154.)

What important decision has the Supreme Court made under the eleventh clause ?

That the power of declaring war and making treaties includes the power of acquiring territory, either by conquest or by treaty. (1 Peters's S. C. Reports, 542.)

What are letters of marque and reprisal ?

They are commissions from the national government to private armed vessels, authorizing them to make reprisals on the private property of adversaries.

How are such letters regarded ?

They denote the incipient stages of hostility between nations, and generally lead to a declaration of war.

NOTE. — The recognition of the right to grant or issue letters of marque and to commission privateers, is a virtual admission of the existence of such nation, as none but established nations have the right to grant letters of marque and privateering commissions.

What is the law of nations in reference to private individuals fitting out vessels to make reprisals ?

If any person, a citizen or subject of one nation, fits out a vessel for the purpose of making reprisals upon the property of the citizens or subjects of another nation with which his own nation is at peace, such act of itself constitutes a piratical act.

NOTE. — By the ninth section of the Act of 30th April, 1790, it is provided, that any citizen of the United States who shall commit any piracy or

robbery on the high seas, or any act of hostility against the United States, or any citizen thereof, upon the high seas, under color of any commission from any foreign prince or state, or on pretence of authority from any person, such offender shall be deemed, adjudged, and taken to be a pirate, and on being convicted shall suffer death. — 1 United States Statutes, 113.

So also, by the third section of the Act of 15th May, 1820, it is provided, that if any person shall, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the tide ebbs and flows, commit the crime of robbery in or upon any ship or vessel, or upon any of the ship's company of any ship or vessel, or the lading thereof, such person shall be adjudged a pirate, and shall on conviction of the aforesaid crime suffer death. — 3 United States Statutes, 600.

What power is conferred by the last part of the eleventh clause ?

It authorizes Congress to pass a law to confiscate the property of enemies within the United States at the time of the declaration of war. (8 Cranch's S. C. Reports, 121 — 129.)

Why the limitation in the twelfth clause ?

To prevent the creation and continuance of a standing army contrary to the wishes of the people.

What may be observed of the thirteenth clause ?

The power in reference to the navy is unlimited, and may be exercised to such an extent as shall be adequate to the safety and to the commercial wants of the United States.

What is the law in relation to crimes committed on board of ships of war ?

They are exclusively within the jurisdiction of the courts of the United States.

What power granted in the next two clauses ?

That of the United States over the militia of the several States, and the purposes for which they may be called into the service of the United States.

Who is the judge when an exigency for the use of the militia of the State exists ?

The President is the exclusive judge of such facts. (12 Wheaton's S. C. Reports, 30.)

When are the militia of the States in the service of the United States ?

As soon as mustered at the place of rendezvous, and the States have concurrent authority with the United States over their militia respectively, until they arrive at such place of rendezvous. (5 Wheaton's S. C. Reports, 20.)

NOTE. — By the Act of 28th February, 1795, the President is authorized to call out the militia of the several States, whenever the United States is invaded or in danger of invasion from a foreign power, or in case of insurrection in any State, or when the laws of the United States are so resisted or opposed in any State as to make it necessary, so many of the militia of the several States as he may deem necessary, and he shall by proclamation command the insurgents to disperse and retire peaceably to their respective homes within a limited time. — 1 United States Statutes, 424.

The Constitution contemplates the possible existence of war, and the war powers of the Constitution are as vast as the requirements of war; and as Congress represents the sovereignty of the nation, it is armed with all the authority incident to the sovereignty of a nation, in a time of war, under the law of nations. As the law of nations is above the written Constitution of a nation, so no nation is justified by its Constitution, in violating the rights of any other nation, and in the determination of the rights of nations we look only to the law of nations. The rights of war and the rights of peace cannot coexist and operate in the same place, at the same time, and on the same subject-matter, hence the rights of persons under positive laws made for a time of peace yield to the rights of war in a time of war. Therefore the rights of persons in a time of peace, so far as necessity demands, are suspended and held in abeyance while the war continues.

It is the duty of Congress and of the Executive to see that the rights and the authority of the nation are maintained and preserved, by a vigorous and successful prosecution of the war. This being accomplished, the power of the Executive and of the Senate to close the war by treaty stipulations is as plenary as the powers to declare and carry on war. — Whiting's War Powers under the Constitution. Forty-third edition, pp. 46, 47; Wheaton's International Law, pp. 384, 385. Eighth edition; Woolsey's International Law, pp. 189, 190. Second edition.

Recite this clause.

17. *To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles*

square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

What power is given in this clause ?

That of exclusive legislation and jurisdiction over these places and the actions of the inhabitants within the places named in the clause.

What right is permitted to the States ?

That of executing civil and criminal process within such places. (6 Wheaton's S. C. Reports, 424.)

Recite this clause.

18. *To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.*

What construction has been given to the word *necessary* in this clause ?

It does not mean absolutely necessary, or imply the use of the most direct means, but it gives to Congress the power to pass such laws as involve the most eligible means for a constitutional object. (2 Cranch's S. C. Reports, 358 ; 4 Wheaton's S. C. Reports, 316 - 436.)

SECTION IX.

Recite this clause.

1. *The migration or importation of such persons as any of the States now existing shall think proper to*

admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

What is the object of this clause?

To terminate the traffic in and the increase of slaves by the foreign slave-trade.

When could it be terminated by the Constitution?

As soon as the year 1808, and the importation of slaves after the 1st of January, 1808, was prohibited under severe penalties by the Act of 2d March, 1807.

What right had the States in reference to the foreign slave-trade under the Articles of Confederation?

The States could have continued the trade without any limitation by the national government. (3 Elliot's Debates, 418.)

What Acts have been passed in relation to the foreign slave-trade?

The Acts of 1794, 1800, 1807, 1818, 1819, and 1820.

What may be remarked of the Act of 1820?

By this Act the foreign slave-trade is declared piracy, punishable with death, and even the detaining negroes on board of a ship with the intent of making them slaves is piracy. (3 United States Statutes, 600.)

Recite this clause.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

What is the object of a writ of *habeas corpus*?

To secure to every person under arrest, or imprisoned without just cause, the right of having his confinement, and the cause of it, investigated by a court of competent authority.

What does the writ require ?

The person held in confinement to be brought before the court mentioned in the writ.

At whose request may the writ be issued ?

At the request of the person confined, or that of any other person making the request in his favor.

How is this writ regarded ?

As one of the most important securities of personal liberty guaranteed by the Constitution.

What courts may issue this writ ?

Any of the courts of the United States may issue this writ in cases within their respective jurisdiction. (4 Cranch's S. C. Reports, 95—100.)

When may this writ be suspended ?

In times of rebellion or invasion, when it shall be deemed necessary.

Under what authority should the suspension be made ?

Under that of an Act of Congress. (4 Cranch's S. C. Reports, 101.)

Recite this clause.

3. *No bill of attainder or ex post facto law shall be passed.*

What is secured by this clause ?

It prohibits Congress from inflicting capital punishment on persons supposed guilty of high crimes by means of a bill of attainder, or from passing an *ex post facto* law.

What are *ex post facto* laws ?

Laws which, after an act already done, create or increase the crime, or increase the punishment of such crime, or change the rules of evidence for the purpose of conviction.

Recite these clauses.

4. *No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.*

5. *No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.*

What is the object of the fourth clause ?

To secure uniformity in the taxes to be laid on persons or on land.

What is the object of the fifth clause ?

To prevent Congress from legislating in reference to the export trade of any State, or so discriminating in its laws respecting commerce as shall favor any one State above another State.

How should the fourth and fifth clauses be regarded ?

As part of the compromise respecting representation, taxation, and commerce.

Recite this clause.

6. *No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.*

What is the object of this clause ?

To secure to Congress the control of the money belonging to the government of the United States.

What is required in regard to the receipts and expenditures ?

A regular statement of the same must be published from time to time for the information of Congress and of the people.

Recite this clause.

7. *No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.*

Why the restrictions of this clause ?

To prevent civil distinctions of rank among citizens, to secure that equality of rights and privileges which is the basis of our institutions, and to act as a check to foreign influence.

SECTION X.

Recite these clauses.

1. *No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.*

2. *No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a*

foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

How are the powers mentioned in these clauses regarded?

They are the supreme attributes of national sovereignty, and the people of the several States in granting these powers exclusively to the national government have deprived the States of the essential elements of nationality.

What conclusion must be drawn from these clauses?

That the people of the United States, in prohibiting to the States the exercise of these powers, have done so for the purpose of forming a more perfect union, and a more efficient national government.

What powers have been retained by the people of the several States, or by the States respectively?

The powers peculiar to a State's municipal authority, and essential to the preservation and welfare of the domestic institutions of the several States.

How is the term *domestic institutions* to be understood?

They include all those civil and other institutions of a State which are not limited or affected by the powers granted to the United States in the Constitution.

What is a necessary inference respecting the rights of municipal authority?

That the people of one State are not responsible for the domestic policy or municipal laws of another State, and have no right to interfere therein; each State being secured by the Constitution from any interference in its domestic policy by another State.

What may be remarked of national sovereignty?

It acts upon and for the people of all the States and Territories of the United States as a nation.

How are we to understand the words *agreement or compact* in the second clause ?

As relating to those agreements or compacts appertaining to their municipal rights, or relations with one another, or with foreign nations.

What is the design of this restriction ?

To prevent all negotiations and intercourse between State authorities and foreign nations. (14 Peters's S. C. Reports, 575.)

What conclusion will these clauses warrant ?

That no State can make war upon another State, and, having agreed to form a national government, no State can secede from the Union at its own will, or attempt to change the union or government of the United States by force, with impunity.

NOTES. — 1. The privilege of the writ of habeas corpus (*you may have the body*), under the Constitution, as under the Common Law, is above the sphere of ordinary legislation. It is a sufficient return to this writ, when issued by a State court, that the person demanded by the writ is in the custody of the Marshal, under the authority of a Court of the United States having jurisdiction. So also, when issued by a State Court, or by a Court of the United States in a time of war, it is a sufficient answer, that the person demanded by the writ is in the custody of a military officer, under the authority of the Commander-in-chief of the Army and Navy of the United States, in a time of martial law ; but "martial law cannot arise from a *threatened* invasion. The necessity must be actual and present ; the invasion real, *such as effectually closes the courts and deposes the civil administration.*

There are occasions when martial law can be properly applied. If in foreign invasion or civil war *the courts are actually closed, and it is impossible to administer criminal justice according to law then on the theatre of active military operations where war really prevails*, there is a necessity to furnish a substitute for the civil authority thus overthrown. * * * As necessity creates the rule, so it limits its duration, for if this [military] government is continued *after* the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are

open and in the proper and unobstructed exercise of their jurisdiction ; it is also confined to the locality of actual war.

2. A Bill of Attainder is a statute by which the offender is attainted, and liable to punishment, without a conviction of any crime in the ordinary course of judicial proceedings.

There can be no Bill of Attainder in the United States. See Article 1st, Section 9th, Clause 3d, and Section 10th, Clause 1st.

3. The Constitution of the United States, in all its provisions, is designed for an indestructible Nationality composed of the people of indestructible States of the Union, and although each State in the exercise of authority under its own Constitution is independent of every other State of the Union, in its own territorial limits and jurisdiction, yet the several States of the Union are not independent of the Government of the United States, but each State is dependent and subordinate to the extent of the powers vested by the Constitution of the United States in the National Government, and under the Constitution the States are made essential parts of the system of Republican Government established and perfected by the people of the United States. — 7 Wallace's S. C. Reports, pp. 76 – 725 ; 21 Howard's S. C. Reports, pp. 516 – 517 ; Wheaton's International Law, pp. 82 – 86. Dana's edition ; 11 Wallace's S. C. Reports, pp. 122 – 128.

ARTICLE II.

THE EXECUTIVE DEPARTMENT.

SECTION I.

Recite this clause.

1. *The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows.*

What has been claimed for the executive department ?

That not only is the executive department a co-ordinate branch of the government, but is also coequal with the legislative department.

Is this admitted ?

It is not, but is denied in the most emphatic terms by the legislative department, in accordance with the first section of the first article of the Constitution.

What other reason is given for the denial of coequal authority ?

The President, being an executive officer, must act by the authority of law, with such exceptions as the Constitution provides.

Are the limitations of executive authority closely defined ?

They are not, nor can they be ; much must be left to the discretion of the President as influenced by the circumstances under which he must act.

What is one of the most difficult problems of government ?

The organization of an efficient executive department.

What was a very prominent object with the framers of the Constitution ?

Such an organization of the executive department as should secure energy to the executive, without encroachment on the powers of the other departments, and should preserve the reserved rights of the people.

What are the essential attributes of an efficient executive ?

Unity of plan, with energy, decision, activity, and secrecy in action.

What is the rule of the executive department respecting certain acts of the President ?

An act of one President vesting rights in a citizen is not subject to review by his successor. (6 Opinions of Attorneys-General, 603 - 607.)

Recite this clause.

2. *Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Represent-*

atives to which the State may be entitled in Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

What fact should be noticed in the second clause?

That in the election of President and Vice-President each State has the same relative influence in the College of Electors that such State has in Congress.

What is the effect of this vote?

It secures to each State, in the election of President and Vice-President by the Electors, the influence it is entitled to by its rank and population in the Union.

Why the prohibitions in reference to members of Congress or other persons?

To prevent, so far as can be, such officers or persons exercising any other influence in such election than is theirs as individual citizens of the United States.

NOTE. — It is a duty incumbent on the members of the several State Legislatures, under this clause, to see that such laws are made for the election of Electors of President and Vice-President as shall be in agreement with the law of Congress for the same object. In the discharge of any duty imposed by the Constitution of the United States on members of State Legislatures, whether by positive law or necessary implication, it must be remembered that the National and State Governments are not coequal, and that in the discharge of duties as citizens of the United States and as citizens of an individual State, the duties imposed by the Constitution of the United States are supreme over those imposed by the Constitution of a State, because the citizens of each State, as citizens of the United States, recognize the Constitution of the United States, and the laws and treaties made under it, as the supreme law of the land, “anything in the Constitution or laws of any State to the contrary notwithstanding.”

What is the present law for the election of Electors by the States?

The Act of 23 January, 1845, requiring their appointment in each State on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed. (5 United States Statutes, p. 721.)

NOTE. — The third clause, which related to the election by Electors, is annulled, and its place supplied by Article XII. of the Amendments. This Amendment became a part of the Constitution on the 25th of September, 1804.

Recite this Amendment.

1. *The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March*

next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

What change does this Amendment make in reference to the Electors?

The Electors vote for different persons for President and for Vice-President.

What change in the number of candidates from whom the House must choose?

They are limited to three, instead of five.

When are the Electors of President and Vice-President to meet and vote?

On the first Wednesday in December after their election in their respective States. (1 United States Statutes, 239.)

When must their vote be delivered to the President of the Senate?

Before the first Wednesday in January next ensuing.

When are the votes counted and the election announced?

On the second Wednesday in February succeeding the meeting of the Electors.

What is done in case of no election by the Electors ?

The House of Representatives proceed to the election of a President, and the Senate to the election of a Vice-President, as the Amendment provides.

When does the Presidential term commence ?

On the 4th of March next succeeding the day on which the votes of the Electors shall have been given. (1 United States Statutes, 239.)

Recite this clause.

4. *The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.*

When are the people required to choose the Electors ?

On the Tuesday next after the first Monday in November, according to the Act of 23 January, 1845.

Recite this clause.

5. *No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.*

Why these provisions in the qualifications for President ?

As a check against foreign influence, and to insure a person possessed of experience and information for the duties of that office.

How is the term *residence* used in this clause ?

It denotes a permanent residence.

Recite this clause.

6. *In case of the removal of the President from office, or of his death, resignation, or inability to discharge the*

powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

What provision has been made in reference to the office of President under this clause?

In case of the removal, death, resignation, or inability both of the President and Vice-President, the President of the Senate *pro tempore*, or, if there shall be no such officer at the time, the Speaker of the House of Representatives for the time being, shall act as President of the United States, until the disability be removed, or a President be elected. (1 United States Statutes, 239.)

Recite this clause.

7. *The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.*

What is the object of this clause?

To make the Executive independent of the legislative department for his salary, to prohibit any covert influence by emolument, and to secure freedom of action to the Executive.

What is the salary of the President?

Twenty-five thousand dollars per annum.

What is the salary of the Vice-President?

Eight thousand dollars per annum.

Recite this clause.

8. *Before he enter on the execution of his office, he shall take the following oath or affirmation:—*

9. *“I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”*

Why is this oath required?

To impart the most binding solemnity to the discharge of the duties of the office.

SECTION II.

Recite this clause.

1. *The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.*

Why are these powers vested in the President?

Because the duties involved in these powers are of an executive nature, and the unity and efficiency in action, and the secrecy of plan generally necessary in war measures, can be best obtained by the exercise of these powers by the President, or those acting by his authority.

What reason for giving the power to grant reprieves and pardons to the President?

It could not be exercised by the legislative department without implying, either directly or indirectly,

unjust or improper legislation ; and it could not be vested in the courts without implying error or injustice in the decisions ; hence it is left to the discretion of the President.

Why is the exercise of the power sometimes necessary ?

Because legislation, from a variety of circumstances, cannot always provide for justice to all parties, nor can the courts at all times render impartial justice to the parties in suit before them, on account of the insufficiency of testimony.

Why the exception in the case of impeachment ?

Impeachment being a punishment for certain crimes and misdemeanors under the Constitution, it was deemed best for the public interest that the President should have no influence over the action of the legislative department in all such cases.

NOTE. — According to the decisions of the Supreme Court and the opinions of the Attorney-General, the President may pardon before trial and conviction, as well as after, and he may grant a conditional or unconditional pardon. He may remit fines, penalties, and forfeitures under the revenue laws, but has no power to remit the forfeiture of a bail-bond, and may order a *nolle prosequi* at any stage of a criminal proceeding in the name of the United States.

'Recite this clause.

2. *He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law : but the Congress may by law vest the appointment of such inferior officers, as*

they think proper, in the President alone, in the courts of law, or in the heads of departments.

For what does this clause provide ?

For the relations of the United States with foreign nations through treaties, and for the nomination and appointment to the several offices named in the clause.

How are the foreign relations of the United States carried on ?

Either directly by the Secretary of State, or through the diplomatic or consular branches of the State Department.

How is the term *ambassador* used in this clause ?

It includes the highest grade of ministers, with limited or full powers, and usually denominated Envoys Extraordinary and Ministers Plenipotentiary.

How is the term *public ministers* here used ?

It denotes ministers resident and commissioners deputed on special business for the government.

How is the term *consul* used ?

It denotes a commercial agent whose usual duty is to act for the protection of the rights of private individuals, under some treaty or practice common between nations, and to watch over the commercial interests of the United States in foreign countries.

Why were these powers thus vested in the President ?

Because the executive department is more fully informed respecting the relations of the United States with foreign nations, and of the circumstances connected with appointment to office.

Why was the Senate associated with the President in the duties arising under this clause ?

That the Senate might represent the legislative department of the government, as treaties are a part of the supreme law of the land, and to act as a check on the

executive department against any encroachment on the rights of Congress, through the power of making treaties or appointments to office.

Recite this clause.

3. *The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.*

Why the limitation imposed by this clause ?

In order to prevent the President from neutralizing the action of the Senate as a co-ordinate power in the appointment to office.

How can Congress check an unauthorized or repeated appointment to office against the will of the Senate ?

By withholding the necessary appropriations for such office.

SECTION III.

Recite this section.

1. *He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.*

What is the object of the first part of this section ?

It makes it an obligatory duty for the President to communicate to Congress such information on the

state of the Union, and to recommend for their consideration such measures, as he may think expedient and necessary.

Why the provision in the second part of the section ?

Because the executive department, at any special time, is alone in the possession of the information respecting the foreign and domestic interests of the United States which will enable the President to judge of the necessity for an extra session of Congress.

What construction has been given to the part of the section relating to ambassadors ?

That the power of receiving ambassadors includes the power of rejecting or dismissing them.

What is required by the last part of the section ?

The President is required to see that the laws of the United States are faithfully executed, and that all officers of the United States have proper vouchers of their right to their office.

SECTION IV.

Recite this section.

1. *The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.*

How are we to understand the term *civil officers* in this section ?

It includes all civil officers deriving their appointment from the national government, with certain exceptions.

Who are excepted ?

Senators, Representatives, and Territorial Judges, and officers of the army and navy.

What is the extent of the punishment imposed by the court of impeachment?

Removal from office, and disqualification to hold or enjoy any office of honor, trust, or profit under the United States; but the party convicted shall be liable to trial and punishment according to law. (Article I. Section 3, clause 7.)

What is the object of this section?

To place the officers named in the section at the bar of public opinion for criminal, dishonest, or unfaithful performance of the duties of their office, and to bring them within the reach of the law as applicable to their crime or offence.

NOTE. — 1. In respect to appointments to office, it is held that "All offices, the tenure of which is not fixed by the Constitution, or limited by law, must be held either during good behavior, or during the life of the incumbent, or must be held at the will and discretion of some department of the Government. * * * In the absence of all Constitutional provision, or Statutory regulation, it would seem to be a sound and necessary rule to consider the power of removal as incident to the power of appointment." — 13 Peters's S. C. Reports, p. 259.

2. It has been decided that a Senator is not a civil officer within the meaning of Section IV., Article II. of the Constitution, and is not liable to impeachment: —

Senate Journal, January 10, 1799. — For the Senate constitute the Court for the trial of the party impeached, and the Representatives, in their aggregate character, are the impeaching body. Territorial judges are not Constitutional officers, and do not exercise any of the powers conferred by the Constitution on the Judiciary, but they exercise only such powers as are authorized by the Acts of Congress for the territories of the United States. They can be removed from office, for cause, by the President, and when the territory becomes a State of the Union their office expires. Army and Navy officers are tried and punished for offences and crimes by courts-martial, or they may be dismissed the Army or Navy by the President, for proper cause, without trial.

3. By the terms, "high crimes" and "misdemeanors," in the 4th Section, is understood an act in its nature or consequences in violation of the Constitution, of a positive law, of an official oath, or of a duty, or an act arising from the abuse of discretionary power, from improper motives, or for an improper purpose.

ARTICLE III.

THE JUDICIARY DEPARTMENT.

SECTION I.

Recite this section.

1. *The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.*

What may be remarked of this section?

It provides that the Supreme Court shall be a co-ordinate department of the national government, independent of and coextensive with the legislative department, but distinct from both the legislative and executive departments.

Why was the Supreme Court deemed so important a department of the government?

Because it is the duty of this court as a co-ordinate department of the government to secure the people against the effects of unconstitutional laws, and to protect the constitutional rights of the people from any usurpation or encroachment by either of the other departments.

What is the reason for the peculiar jurisdiction of this court?

That there may be uniformity in the interpretation of the Constitution, and of the laws and treaties made under it.

What may be remarked of the extent of its jurisdiction?

It includes, either directly or indirectly, every supposable case affecting the life, liberty, or property of

the citizens of the United States, excepting cases of impeachment, as guaranteed by the Constitution.

Why the necessity of such a co-ordinate judicial department?

That there might be a judicial power, not subservient to political ambition, or to legislative authority, or to executive patronage, to expound and to apply the laws to the relations and the rights of citizens of the United States.

What is understood by the phrase judicial power?

The power to determine rights of persons, or of property, by arbitrating between adverse parties in controversies, at the instance of a party in said controversies.

Of what does the Supreme Court consist?

Of one chief justice and several associate justices, who hold an annual session of the court at Washington on the first Monday of December.

What is the effect of the decisions of the Supreme Court?

-Its decisions on the rights of persons or of property within its jurisdiction are final and conclusive upon all the other Courts of the United States.

What may be remarked of the judgments of this court?

The judgments of the Supreme Court, and the execution of such judgments, by its order, are acts of sovereignty.

NOTE. — The Supreme Court of the United States, as the court of final resort, decide the controverted cases in Law, in Equity, or in Admiralty, which are brought before it by actual litigating parties, according to the supreme law of the land. Through the power of construction applied to every law, of which the language is ambiguous, or contradictory, and through the enforcement of the restrictions on the legislative power of Congress by its decisions, this court possesses and exercises a certain and unquestionable check on the legislative department of the Government. But this restraining power of the Supreme Court does not apply to questions political in their nature and belonging to the legislative or to the executive departments.

What courts have Congress established under the term *inferior courts*?

The Circuit Courts, the District Courts, and the Court of Claims.

How are the Circuit Courts formed?

The several States of the Union are divided into circuit districts, each district including two or more States.

How are the Circuit Courts assigned?

On the appointment of a chief justice or an associate justice, the judges allot themselves among the several circuit districts, and enter the allotment on record.

Of what does each Circuit Court consist?

The justice of the Supreme Court allotted to the circuit, the circuit judge, and the judge of the district in which the Circuit Court is held. The judge first in order presides.

How are the District Courts established?

Each State constitutes a district or districts, over which a district judge is appointed, who must reside in the district to which he is appointed.

Of what does the Court of Claims consist?

Of a chief justice and four associate justices, who hold an annual session of the court at Washington, commencing on the first Monday of December of each year.

On what does the jurisdiction of the several above-mentioned courts depend?

The jurisdiction of the courts of the United States depends on the Constitution or the laws of Congress, and is either original or appellate. (1 Peters's S. C. Reports, 511 - 546.)

What more may be remarked on the extent of the jurisdiction of the United States courts?

That the jurisdiction of these courts over questions involving constitutional rights is exclusive of the jurisdiction of the courts of the several States of the Union.

What important principle in one of the decisions rendered under this clause?

That the courts in which the judges hold their office for a specific number of years are not courts in which the judicial powers conferred by the Constitution can be deposited. (1 Peters's S. C. Reports, 511 – 546.)

How are the courts established in the Territories regarded?

They are not constitutional courts, and cannot exercise any of the powers conferred by the Constitution on the Judiciary. (1 Peters's S. C. Reports, 511.)

What is the object of the last part of the section?

To secure the entire independence of the Judiciary of the United States, in respect to the term of their office and their compensation, from the influence of the other departments of the government.

SECTION II.

Recite these clauses.

1. *The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.*

2. *In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.*

3. *The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.*

To what do the clauses of this section relate?

To the judicial power, and the jurisdiction peculiar to the several courts of the United States.

What is affirmed of the judicial power of the courts of the United States?

It is commensurate with the legislative and executive powers of the national government.

How is the term *jurisdiction* used in reference to courts of the United States?

It denotes legal power and its application to cases at issue in the said courts, including the parties, the subject-matter, and the locality.

How is the term *case* used?

Case denotes a suit at law, involving a right in litigation between the parties named in the record.

What is meant by a case in law?

It is a suit in which some right guaranteed by law is to be ascertained and determined, as distinguished from rights in equity.

What is meant by a case in equity ?

It is a suit in which relief is sought against the severity of the law, according to the rules and practice in equity.

To how many classes may the several cases be reduced ?

Five.

Which are the first class ?

Cases in law and equity arising under the Constitution, the laws, and the treaties of the United States.

Which are the second class ?

Cases affecting ambassadors, other public ministers, and consuls.

Which are the third class ?

Cases of rights under the admiralty and maritime jurisdiction.

Which are the fourth class ?

Cases of rights between citizens of the same State claiming lands under grants from different States.

Which are the fifth class ?

Cases in which the parties bear certain relations as citizens of the several States of the Union, or as citizens or subjects of foreign states.

Why are these cases under the jurisdiction of the Supreme Court ?

Because involving rights under the Constitution, the laws of the United States, the treaties, or the law of nations, and the Supreme Court was deemed the only proper *final arbiter* of the questions affecting these rights.

Why the original jurisdiction of the cases mentioned in the second class ?

Because of the character of the parties named, and their rights as the representatives of foreign nations.

Why the appellate jurisdiction in the other cases?

To confine the inferior courts within their special jurisdiction, to correct all errors arising in said courts, and to provide that justice may be uniform and impartial.

What is original jurisdiction?

Original jurisdiction is the commencement of a suit not begun in any lower court, and is confined to the cases enumerated in the Constitution. (9 Wheaton's S. C. Reports, 820.)

What is appellate jurisdiction?

It is the right of reviewing and correcting the proceedings in a case already instituted in a lower court, and is done by a writ of error or appeal.

What is a writ of error?

It is a commission which removes from a lower court the suit in which a question of law is involved, for re-examination in a higher court.

What is an appeal?

A process which removes a cause from an inferior court to a higher court, and subjects the matter of fact as well as the matter of law to the review and revisal of the higher court. (6 Wheaton's S. C. Reports, pp. 409 - 411.)

What third mode of review for cases from the Circuit Court only?

Congress has authorized the review on questions on which the judges of the Circuit Court are not agreed, to be made by the Supreme Court, upon a "case certified."

By what other writs is an appellate jurisdiction exercised?

By the writs of habeas corpus, by mandamus, and by prohibition.

What are cases of admiralty jurisdiction?

Cases of prize and salvage involving rights in which foreign nations are interested, and maritime torts, contracts, and offences, in which the principles of the law of nations are an element of inquiry.

How is the term *all crimes* used in the third clause of this section?

It embraces those crimes which by former laws and customs have been tried by a jury.

How are jury trials regarded?

As the main defence against encroachment on the rights of the people by the courts.

Why the restriction in regard to place?

To avoid unnecessary expense, for the greater facility in obtaining evidence, and that the accused may have an impartial trial and the benefit of common sympathy so far as it is deserved.

Recite this Amendment.

V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Why this provision in respect to presentment or indictment?

To prevent unnecessary litigation, and that there

may be no unreasonable uncertainty in relation to the person, time, place, and nature of the offence.

Why are the cases in military and naval service excepted ?

Because they are within the special jurisdiction of the military and naval courts-martial.

What decision of the Supreme Court under the fifth amendment ?

That the prohibitions in this amendment are prohibitions on the government of the United States, and have no reference to the several States.

NOTE. — In relation to an indictment by the Grand Jury, Judge Catron has thus defined their duty : —

“ Grand Juries constitute an important part of the judicial system ; and the nature of the duties devolved upon them makes their office at all times delicate and responsible. But during periods of general commotion and excitement, the manner in which they fulfil their solemn trust is of especial moment to every person and interest in society. Unaffected by prejudice or passion, and proceeding in their investigations with independence and impartiality, they become the shield of the innocent and the terror of the guilty. While the magnitude of some crimes demands, for the public good, that the offenders should not be permitted to escape punishment, like considerations require that indictments therefor should not be found on insufficient grounds.

“ When a sufficient cause is made out, there is only one course which duty permits, — the Grand Jury should find the indictment a true bill, so that the accused may be brought to trial. If the testimony falls short of such a case, the indictment should be just as promptly ignored.”

Recite these Amendments.

VI. *In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law ; and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defence.*

VII. *In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.*

VIII. *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

How are the provisions of these Amendments regarded?

As guaranties to the citizens of the United States by the Constitution of the several rights and privileges named in these Amendments. (3 Peters's S. C. Reports, 446 - 448.)

When may courts discharge a jury?

Whenever there may be a necessity for it, or when public justice would be defeated without a discharge.

When may a trial by jury be dispensed with?

At the consent of the parties in a suit.

What exceptions to the term *suits at common law* in the seventh Amendment?

Suits in equity and admiralty jurisdiction.

How is the term *common law* used in this Amendment?

It denotes the common law of England, and not the common law of the several States.

What are we to understand by the phrase *the rules of the common law*?

The methods of re-examination at the common law by a writ of error and a new trial.

Why the limitation imposed in the eighth Amendment?

As a check against the exercise of arbitrary power by the courts, in reference to bail, fines, and punishments.

Recite this Amendment.

XI. *The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.*

What is the object of this amendment ?

As a limitation on the judicial power of the courts of the United States.

NOTE. — Previously to the adoption of this Amendment, suits had been brought against some of the States by their creditors, and the Supreme Court decided that the judicial power of the United States extended to a suit brought by or against a State of the Union. The effect of the Amendment dismissed all such suits in which a State was a party on the record, and took from the courts of the United States all jurisdiction over such suits.

SECTION III.

Recite this section.

1. *Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.*

2. *The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.*

What is the object of this section ?

To define treason against the United States, to fix the evidence necessary for conviction, and the punishment for this great crime.

What is the force of “only” in the first clause of this section ?

It excludes from the criminal law of the United States the doctrines of constructive treason. (1 Abbott's United States Reports, p. 60.)

Why the qualification in respect to attainder?

Because of the respect for the rights of property, and the unwillingness to deprive heirs of the benefits of such rights on account of the crime of their parents.

How is this crime regarded?

As the highest crime against the government and the people of the United States.

What remark has Prof. Lieber on treason?

"The trial for treason is a gauge of liberty. Tell us how they try people for treason, and we will tell you whether they are free."

What decision has the Supreme Court given under this section?

"To constitute treason, war must be actually levied. If a body of men be actually assembled for the purpose of effecting a treasonable design, all who perform any part, however remote from the scene of action, and who are actually leagued in the general conspiracy, are traitors." (4 Cranch's S. C. Reports, 126.)

What is the punishment for treason?

Death by hanging.

NOTE. — In the trial of Aaron Burr, Chief Justice Marshall used the following language, as to what constitutes a levying of war against the United States : —

"Any combination to subvert by force the government of the United States, violently to dismember the Union, to compel a change in the administration, to coerce the repeal or adoption of a general law, is a conspiracy to levy war; and if conspiracy be carried into effect by the actual employment of force, by the embodying and assembling of men for the purpose of executing the treasonable design which was previously conceived, it amounts to levying of war." — 2 Burr's Trial, 421.

The Act of 30th April, 1790, and the Act of 30th January, 1799, constitute the law for treason against the United States.

“ If any person or persons owning allegiance to the United States of America shall levy war against them, or shall adhere to their enemies, giving them aid and comfort, within the United States or elsewhere, and shall be thereof convicted on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the United States, and shall suffer death. If any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal, and not, as soon as may be, disclose and make known the same to the President of the United States, or some one of the judges thereof, or to the President or Governor of a particular State, or some one of the judges or justices thereof, such person or persons on conviction shall be adjudged guilty of misprision of treason, and shall be imprisoned not exceeding seven years, and fined, not exceeding one thousand dollars.” — 1 United States Statutes, 112.

“ If any person, being a citizen of the United States, whether he be actually resident or abiding within the United States, or in any foreign country, shall, without the permission or authority of the Government of the United States, directly or indirectly commence or carry on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or any officer or agent thereof, in relation to any dispute or controversies with the United States, or defeat the measures of the government of the United States ; or if any person, being a citizen of, or resident within, the United States, and not duly authorized, shall counsel, advise, aid, or assist in any such correspondence, with intent as aforesaid, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months, nor exceeding three years. — 1 United States Statutes, 613.

In keeping with the statutes are the following rules for the regulation of the army of the United States : —

Article 56. “ Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

Article 57. “ Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.” — 2 United States Statutes, 366.

ARTICLE IV.

SECTION I.

Recite this section.

1. *Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.*

What is the object of this section?

To place the public acts, records, and judicial proceedings of each State on a more favorable basis than that given to the public acts, records, and judicial proceedings of foreign nations.

What is the rule in relation to such proceedings?

They are proved like any other facts, and in England and the United States they are *prima facie* evidence of what they decide.

What is the effect of this section on such acts, records, and proceedings?

They have the same effect in each State as in the State where rendered,—if conclusive in such State, then they are conclusive in each State of the Union; if re-examinable there, they are re-examinable in every other State.

NOTE.—By the Act of 26th May, 1790, Congress has given effect to this section, respecting the authentication of legislative acts and judicial proceedings and the effects thereof. — 1 United States Statutes, 122.

All other public records of any State are authenticated according to the statute of 27th March, 1804. — 2 United States Statutes, 298.

Under these statutes several important decisions have been rendered, and the judgment of a State court has the same credit, validity, and effect in every court within the United States which it has in the State in which

it was rendered. — 3 Wheaton's S. C. Reports, 234 ; 9 Howard's S. C. Reports, 528 ; 11 Ibid. 175, 176.

SECTION II.

Recite this clause.

1. *The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.*

What is guaranteed by this clause ?

It guarantees to the citizens of each State the privileges and immunities in any other State which such State grants to its own citizens.

What are these privileges and immunities ?

The fundamental privileges and immunities which any State grants to its citizens, but not such as are granted to corporations, or are conferred by special local legislation. (18 Howard's S. C. Reports, 591-594.)

On what principle are these privileges and immunities guaranteed ?

They are guaranteed by the Constitution of the United States, because of the supreme rights of citizens of the United States, and through this National citizenship the more effectually to secure and perpetuate mutual friendship and intercourse among the people of the several States.

On what is national citizenship based ?

On the intimate social, civil, and commercial relations which citizens of the United States sustain toward one another, and not arising from the relations they possess as citizens of the several States.

Of what is national citizenship the basis ?

Of the rights involved in the sovereignty of the United States, and by virtue of which the President,

Vice-President, and members of Congress are chosen, and the supreme law is enacted.

What other reason for this guaranty?

By reason of *the superiority* guaranteed by the Constitution to the *supreme law of the land*, in the second clause of the sixth Article, over any law of any State of the Union.

What erroneous assumptions are obviated by this principle of citizenship?

That citizenship of the United States is subordinate to citizenship under the Constitution of any State, and that the supreme law of the land can be modified or opposed by State legislation.

NOTE. — These privileges and immunities are not dependent on *State comity*, because the States are subordinate to the United States within the powers granted in the Constitution, and it would not be sound reasoning to make such privileges and immunities depend on the comity which one State might choose to extend toward a sister State, at any one time or under any peculiar circumstances; but they depend on those complex relations which citizens of the United States hold towards each other as members of a common government and of the same nation.

Recite this clause.

2. *A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.*

What may be remarked of this clause?

It makes the rendition of fugitives from justice, within the provisions of the clause, from one State into another State, a constitutional duty.

What is necessary in regard to such rendition?

The alleged crime must have been committed in the State from which the fugitive is charged actually

to have fled, and be a crime against the laws of such State. (3 McLean's Reports, 133.)

Why was the term *other crime* inserted in this clause ?

In order that the clause might include all proper cases of rendition. (5 Elliot's Debates, 487.)

Recite this clause.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

To what persons does this clause relate ?

To apprentices, under State laws, escaping into another State from such service or labor.

SECTION III.

Recite this clause.

1. New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

In how many ways have States been admitted into the Union ?

Three.

What is the first ?

By a joint Act of Congress and of a State a new State may be formed from the territory of an existing State, as in the cases of Vermont, Kentucky, and Maine.

What is the second ?

By an Act of Congress a State may be formed directly from the territory of the United States, as in the case of Tennessee.

What is the third ?

By a joint resolution of Congress and a foreign state, an independent foreign state may be admitted as a State of the United States, as in the case of Texas.

Recite this clause.

2. *The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.*

What may be remarked of this clause ?

It is the authority under which Congress establishes provisional governments for the Territories previous to their admission as States into the Union.

To what territory did this clause first apply ?

To the territory known as the Northwestern Territory, and ceded to the United States under the Articles of Confederation.

How was the Northwestern Territory organized and governed ?

By the Act of Congress under the Confederation known as the Ordinance of 1787, and subsequently adopted by the Congress of the United States under the Constitution, on the 7th of August, 1789.

For what does the Constitution appear not to have made any direct provision ?

For the acquisition of foreign territory and its formation into States.

In what ways has the United States acquired foreign territory ?

By purchase and treaty, by annexation, and by conquest and treaty ; namely, Louisiana, Texas, and California.

How has Congress exercised its authority in relation to such acquired territory?

Congress has organized and governed such territory according to the ordinary principles of legislation, and has exercised its discretion in relation to the special laws and institutions existing in said territory. (Judge Parker on the Territories of the United States, 73 – 78.)

How is the Constitution extended over such territory?

By an Act of Congress for that special purpose.

SECTION IV.

Recite this section.

1. *The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.*

What is guaranteed by this section?

A republican form of government in every State of the Union, and protection to every State, by the United States, against invasion or domestic violence, on the application of a State.

Why is a republican government guaranteed?

Because any other form of government in any State or States of the Union might imperil the national government.

What is the extent of the power granted by this section?

It is adequate to put down all unconstitutional change in the government of a State or States.

What right of sovereignty has each State under the Constitution?

That of territorial sovereignty, and to determine exclusively in relation to its municipal laws and domestic

institutions ; but such laws and institutions must not be contrary to a republican form of government, to the Constitution of the United States, or the laws or the treaties made under it. (See Art. VI. Clause 2.)

What is provided in the last part of the clause ?

Protection against invasion and domestic violence, including treason, rebellion, or servile insurrection.

Why this guaranty ?

By the Constitution, the States individually are prohibited from keeping troops as a standing army, or ships of war in time of peace, and it was deemed the duty of the United States to assume such defence of each State, on application, against its enemies at home or abroad.

ARTICLE V.

Recite this article.

1. *The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress : Provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any*

manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

For what does this article provide?

For such amendments to the Constitution as the changing condition of the people and the welfare of the nation may require.

What does the article secure?

An effectual check, except in case of a sudden revolution, against any fundamental change in the Constitution or government, unless in the ways provided therein.

How many ways for making amendments?

Two, each either directly or indirectly by the people.

What is the first way?

By amendments proposed by Congress and ratified by the Legislatures in the required number of States, or by special conventions called for that purpose in the said States.

What is the second way?

By amendments proposed by a national convention called for that purpose, and ratified as the article requires.

What is the benefit of this twofold method?

The identity of the government is made more permanent, and ways are provided by which the will of the people, as the source of political power, may safely influence the supreme law of the land and the institutions of the States respectively.

What restriction in the last part of the article?

No State at any time can be deprived of its equal

suffrage in the Senate without its consent, which is a permanent security to the smaller States from encroachments on their rights by the larger States.

ARTICLE VI.

Recite this article.

1. *All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.*

2. *This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

3. *The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.*

How is the first clause of this article regarded?

As a guaranty, for the benefit of the creditors of the United States, of the debts incurred in the war of the Revolution for the common defence.

What is the law of nations in relation to such debts ?

Debts due to foreigners, and obligations to other creditors, survive a change in the government. (Woolsey's International Law, Second Edition, 52, 53.)

What is the second clause ?

It is a declaration of what constitutes the supreme law of the United States, and its effect on the judges in every State.

What is the punishment for resistance to the supreme law by armed force ?

The punishment of treason.

What is the object of the third clause, and the oath therein required ?

It requires a solemn acknowledgment, under oath, from the persons mentioned in the clause, that they will faithfully perform their respective duties under the Constitution of the United States.

Why is this oath required of the State officers mentioned in the clause ?

Because of the duties such officers often are required to perform in giving effect to the supreme law of the United States.

Why the restriction in reference to a religious test in the last part of the third clause ?

To prevent any political union of church and state, as it existed in foreign countries, and as an assurance of entire freedom in religion.

What is the practical effect of the second and third clauses of this Article ?

They are an effectual estoppel *to any action tending to oppose or render void the supreme law of the land by the officers therein named, both of the national and State governments.*

What tribunal alone can finally decide respecting the constitutionality or unconstitutionality of all laws and acts, not only of the national government, but of the several State governments, arising under the Constitution of the United States?

The Supreme Court of the United States.

NOTE. — It has been affirmed that a State or States may refuse obedience to the supreme law of the land, and free its citizens from such supreme law by State legislation, because, as is said, the Constitution of the United States cannot act on a State, or the citizens of the separate States, contrary to the laws of such separate States. It will be well to remember that the native-born or naturalized citizens in each of the United States are also citizens of the United States, and that by virtue of this twofold citizenship the Constitution of the United States acts on persons and on States throughout the whole of the United States. Nearly the whole of the eighth section of the first article, and many other clauses of the Constitution, are examples of the action of the Constitution on persons. The third, fourth, and tenth sections of the first article will serve as examples of the action of the Constitution on States, and the fourth article, and the second and third clauses of the sixth article, of its action on States and persons.

It has been decided by the highest judicial authority recognized in the United States, that the States cannot exercise any power over the national government (4 Wheaton's S. C. Reports, 399), and therefore the constitutions and laws of the several States act only on the persons within the territorial limits of the said States, and also within the limits provided by the Constitution of the United States. The separate States can exercise no other authority over their own citizens, who are also citizens of the United States, only on the principle that a minority has rights and powers superior to a majority, and that a part is greater than the whole. Grant to a State, or any number of separate States, the right to decide on the limits and obligations of duty of citizens of the United States under the Constitution thereof, and you strike a blow at all nationality. It must be remembered, too, that the national and State governments derive their respective powers from the same people in each or all of the States, as the case may be, and as a nation they have assigned the various powers of their government among the several departments with fixed limits and for specific purposes. While the national government confines itself in its action within the limits prescribed for it in the Constitution, it is difficult to see where the people in the separate States, either alone or by acting in combination, can derive any authority to counteract, impede, or obstruct in any manner the supreme law of the United States, except the right of revolution, and even this right, according to the teaching of the Declaration of Independence and the example of the fathers of the American Revolution, exists

only when the existing government becomes too oppressive to be remedied in the usual way of an amendment or amendments to the organic law of the nation. Such authority to the people acting as citizens of the separate States annihilates the idea of a Constitutional Union, and must be based on the deceptive plea, that *We, the people of the United States*, are not a nation, and have not a permanent Union.

ARTICLE VII.

Recite this article.

1. *The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.*

What did the Congress, under the Articles of Confederation, direct in relation to the adoption of the Constitution?

That it should be submitted to a convention of delegates chosen in each of the States by the people. (12 Journal of Congress, 28 September, 1787, 149–166.)

Why was the Constitution to be thus directly submitted to the people, rather than to the State Legislatures?

The Constitution was to abolish and supersede the Articles of Confederation, which, as a system of national government, had been adopted by the States as States, and it was to ratify this fundamental change in the government directly by the people in each and all of the States that it was to be adopted by conventions, representing the people as a nation, rather than by the legislatures, representing the people as States.

What was the effect of the ratification of the Constitution by the people of nine States?

It made the government of the United States a government of the people as one nation, and not a government of States as separate States, for national purposes, as under the Articles of Confederation.

AMENDMENTS.

NOTE. — The first ten Amendments to the Constitution were proposed by Congress at their first session, and were ratified by the constitutional number of States on the 15th of December, 1791. The eleventh Amendment was proposed on the 5th of March, 1794, by Congress, and ratified and announced as a part of the Constitution by the President on the 8th of January, 1798. The twelfth Amendment was proposed by Congress on the 12th of December, 1803, and declared to be adopted as the Constitution requires, by the Secretary of State, on the 25th of September, 1804.

ARTICLE I.

Recite this article.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

What is the first object of this article?

The separation of the institutions of the church from the national government.

Why was this separation desired?

It was thought the support and diffusion of pure Christianity would be better advanced by such separation.

What other reason has been assigned?

That Christianity is a matter of conscience between the individual and his Maker, and beyond the jurisdiction of the government of the United States.

Can this article be considered hostile to Christianity?

It cannot.

What does it prohibit?

Any particular dogmas in religion from being made

a test for office; it prohibits any persecution on the part of the government, and the favoring of one sect to the exclusion of other sects, or the advancement of any one denomination of Christians as an established church.

What then does it secure?

As perfect an equality in matters of Christianity as can be guaranteed by law.

What decision under this clause?

The States may make such laws as shall enable all denominations to accomplish the great objects of Christianity, by giving to each denomination the corporate rights necessary for the management of property. (6 Cranch's S. C. Reports, 43.)

What is secured by the next part of the article?

The freedom of speech and of the press.

Why were they thus secured by the Constitution?

Because deemed essential to the best interests of the national government and the rights of the people.

Why the right guaranteed by the last part of the article?

That the people might at all times possess the right and the means of making their grievances known to the government of the United States.

ARTICLE II.

Recite this article.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

What is the intention of this article?

To secure military organization among the people

in all of the States, and the right of the people to keep and bear arms in defence of their liberties.

ARTICLE III.

Recite this article.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Why the third article?

As a security to private citizens in time of peace, and to insure uniformity in the quartering of soldiers upon citizens when war shall make it necessary.

ARTICLE IV.

Recite this article.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

What is the special benefit of this article?

It guarantees to the people in each of the United States these rights, under the common law, from an infringement by the government of the United States, and the last part of the article requires special caution in the issuing of warrants for search or seizure.

ARTICLE IX.

Recite this Article.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

How should this article be regarded?

As an aid in the construction of the Constitution, and to prevent the conclusion that the enumeration of certain powers necessarily implies a denial of others not mentioned.

ARTICLE X.

Recite this article.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

What is affirmed in this article?

That all powers not granted to the national, nor prohibited to the State governments, belong to the States as States, or to the people.

What does this article imply?

That the people, acting through regular forms and organizations, are the source of all political power.

Who are meant by the phrase "or to the people"?

The people of the United States, as the people making the grant of powers delegated to the national government, or prohibited to the people of the several States.

What is an essential feature of our republican government?

That the power of the people is given to representatives for limited periods, whose right and duty it is, in the exercise of this power for such periods, to consult and act for the best interest and welfare of the people of the United States.

What are included in the powers reserved to the States?

The powers of legislation in reference to the life, the liberty, and the property of the people of the State, under its own Constitution.

What must be kept in the memory in the study of this article?

The fact that the States of the Union possessed and exercised exclusive authority over the domestic relations, rights, and interests of the people, inhabitants of each State respectively, before the adoption of the Constitution of the United States, and this authority belongs to the States, except as delegated to the national government, or prohibited to the States.

NOTE. — Because of the complex nature and organization of our system of government, it is difficult to enumerate and to define the various objects of the reserved powers of the States.

Among these powers are the following: The protection and the security of the life, the liberty, and the property of the people of the State; the regulation of the relations and the rights of Husband and Wife, of Parent and Child, of Guardian and Ward, and of Master and Servant; the relation and enforcement of Contracts; the definitions of Crimes and their Penalties, except as arising under the Constitution of the United States or the Law of Nations; and other relations and rights of persons as citizens of a State of the Union, including the creation and regulation of Corporations under the Constitution of the State.

ARTICLE XIII.

Recite this article.

1. *Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*

2. *Congress shall have power to enforce this article by appropriate legislation.*

Adopted February 15, 1865.

What is the effect of this amendment?

It abolished slavery and involuntary servitude within the entire territory of the United States.

What is the relation of this amendment to the former power of the States?

It changed the organic law of the nation, and modified the power of the States over slavery; and it reversed and annulled the original policy of the Constitution on slavery and involuntary servitude.

What is the object of the second section?

To obviate all doubt of the authority of Congress to enforce, by appropriate legislation, the provision contained in the first section.

What parts of the Constitution are affected by this amendment?

Article I. Section 2, clause 3, the phrase "three-fifths of all other persons"; Art. I. Section 9, clause 1, the phrase "such persons"; and Art. IV. Section 2, clause 3, to so much of said clause as referred to persons held as slaves under State laws, and escaping into another State from such service or labor.

ARTICLE XIV.

Recite this article.

1. *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.*

2. *Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any*

election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. *No person shall be a Senator or Representative in Congress, or elector of President, Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof: But Congress may by a vote of two-thirds of each House remove such disability.*

4. *The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.*

5. *The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.*

Adopted July 28, 1868.

What is remarked of the term "citizens" used in this article?

The Constitution of the United States uses the words "citizen" and "natural born citizens," but neither the Constitution nor any Act of Congress, previous to the Act of April 9, 1866, attempted to define their meaning. (1 Abbott's United States Reports, p. 38.)

What is secured by the first part of the first section?

The people of the United States herein have declared who are citizens of the United States, and of a State of the Union.

What prohibitions in the last part of this first section?

A State cannot abridge by its legislation the privileges or immunities of citizens of the United States, nor deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

How are the terms "privileges" or "immunities" employed in this section?

These terms are not identical with those used in the second section of the fourth article, but have a broader meaning, denoting the fundamental privileges or immunities of citizens of the United States, of the nature of rights difficult to enumerate or to define. (18 Howard's S. C. Reports, p. 591; 1 Abbott's United States Reports, pp. 397 - 407.)

What parts of the Constitution are modified by the second section of this Amendment?

The last part of the first clause of Section 2 of Article I. and a part of the third clause of the same section and article, so far as relates to Representatives.

To whom does the third section relate?

To persons engaged in insurrection or rebellion against the United States.

What is secured and prohibited by the fourth section ?

The validity of the public debt cannot be questioned ; nor can Congress or the Legislature of a State assume or pay any debt, obligation, or claim incurred in aid of insurrection or rebellion.

What is the object of the fifth section ?

To obviate all doubt respecting the enforcement of the provisions of the Fourteenth Amendment.

ARTICLE XV.

Recite this article.

1. *The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.*

2. *The Congress shall have power to enforce this article by appropriate legislation.*

Adopted March 30, 1870.

What is the force of the XV. Amendment ?

It prohibits legislation by Congress, or by a State denying or abridging the right to vote on account of race, color, or previous condition of servitude.

What is understood by the enjoying the right of suffrage freely ?

The right of a person to vote according to his opinion and choice, without any constraint of mind or body, and uncontrolled by any force, threat, intimidation, or otherwise, and the physical opportunity to vote is not to be interfered with, by any force, threat, intimidation, or otherwise.

What power is left with each State in relation to the right to vote ?

Each State may deny to its citizens the right to vote

on account of age, sex, place of birth, vocation, want of property, want of intelligence, or from neglect of civil duties, or for crime, as the safety and the happiness of the people of the State may demand. (2 Abbott's United States Reports, p. 127.)

NOTE.—The XIII., XIV., and XV. Amendments change the polity of the national government, as existing under previous provisions of the Constitution, or they define or affirm certain rights, privileges, or immunities, as Constitutional rights, privileges, or immunities of citizens of the United States.

These Amendments, taken in connection with the Judiciary Act of 1867, — Act of February 5, 1867, 14 Statutes of the United States, Ch. 28, page 385, — give to the Supreme Court of the United States, through its appellate jurisdiction, the final decision of all the important cases, arising in the several States of the Union, wherein are involved rights, privileges, or immunities, which through these Amendments now have become Constitutional rights, privileges, or immunities, within the jurisdiction of the National Courts. — The fifth, sixth, seventh, eighth, and eleventh articles of the Amendments will be found classed under the third article, on the Judiciary. The twelfth Amendment will be found classed with the second article, on the Executive Department.

The first eleven Amendments of the Constitution were adopted to limit the powers of the national government. They were intended to obviate all just grounds of apprehension, and to give repose to the public mind. — *United States vs. Rhodes*, 1 Abbott's United States Reports, p. 37.

The rights secured to the people of the United States, by the fourth, fifth, and sixth Amendments to the Constitution, were incorporated into the Constitution from Magna Charta, and from the Bill of Rights of 1688, and it is the duty of the government to secure to the people these rights against any denial, encroachment, or perversion by any department of the government.

The phrase "common law," used in the seventh Amendment, is in contradistinction to suits of equity, of admiralty, and of maritime jurisdiction. "Suits at common law" are suits in which legal rights were to be ascertained and determined in distinction of equitable rights and equitable remedies; or of suits in admiralty, in which a mixture of public law and of maritime law and equity is found in the same suit.

Under the Articles of Confederation there was no court of common law jurisdiction, but Congress established courts of partial admiralty jurisdiction, and was authorized to create special courts to decide questions of boundary between States, or any other cause or controversy of

private right of soil under grants from two or more States. — Articles of Confederation, Art. IX. Sections 1, 2, 3.

The United States Courts exercise only such equity powers as are conferred by an Act of Congress, and those judicial powers which the High Court of Chancery in England, as a court of equity, possessed and exercised at the time of the formation of the Constitution of the United States. — 2 Clifford's C. C. Reports, p. 492.

In a larger work, on the Theory and Construction of the Constitution of the United States, the prohibitions on Legislation, and the concurrent Jurisdiction of Courts, will be more fully considered than can be done in a small manual designed for use in public schools.

THE
CONSTITUTION
OF THE
STATE OF ILLINOIS,
AS
ADOPTED IN CONVENTION, MAY 13, 1870,
AND
RATIFIED BY THE PEOPLE OF THE STATE,
JULY 2, 1870.

CAREFULLY COMPARED WITH THE ORIGINAL PARCHMENTS, AND
IDENTICAL THEREWITH IN WORDS, LETTERS,
AND PUNCTUATION.

1872.

INTRODUCTORY

TO THE

CONSTITUTION OF THE STATE.

AFTER having learned thoroughly the manual portion of the book, and reviewed the text of the Constitution of the United States, which precedes it, the pupil will be qualified to enter upon the study of the Constitution of the State in which he resides.

The rules of construction applicable to the study of the Constitution of a State are few and simple.

1st. In the system of republican government of the United States only the people as a nation possess supreme, absolute sovereignty, and the Legislature of a State exercise the entire law-making power of the State, except as restrained by the written Constitution of the State.

2d. The security and the enjoyment of life, liberty, and property lie at the foundation of all legislation.

3d. In the study of the Constitution of a State, regard must be had to the limitations imposed on legislation in the Constitution of the United States, and next, to those contained in the Constitution of the State in which the person resides.

4th. That every act of legislation, either directly or indirectly, should have reference to the safety, prosperity, and happiness of the people of the State.

5th. That the authority of a State, in relation to its own internal polity, its municipal legislation, under its own Constitution, subject to the provisions of the Constitution of the United States, is complete and exclusive.

6th. That in the construction of the powers granted in a Constitution, such meaning must be given to the words of the text, as will give full force and effect to each word in any clause of any section of the Constitution, — that there may be no void, or insignificant words used.

7th. That the people, in the adoption of a Constitution, employ the words of the text in their general reasonable use, and that the intention of the people must be found in the Constitution itself. Neither the legislature nor the courts may add to, or take from, the words of the Constitution taken in their natural, usual, signification.

8th. When a State changes its Constitution, all existing laws continue in force not inconsistent with it; but all laws repugnant to it are repealed by implication.

9th. The rule of construction adopted by the courts is the following: The Constitution of the United States receives a strict construction; a State Constitution receives a liberal construction in relation to powers undefined or reserved.

10th. In the interpretation of the language of written constitutions, and in the construction of the powers of existing governments, it rests with the courts to make our system of government as free from an abuse of power as any forms that have existed.

11th. Constitutions are limitations of the powers of

governments, in the hands of the representatives of the people, and they must be construed in harmony with the principles affirmed in the Declaration of Independence as the basis of Republican Government.

G. S. W.

SUPREME COURT LAW LIBRARY,
OTTAWA, ILLINOIS, October 16, 1871.

CONSTITUTION OF 1870.

[Adopted in Convention 13 May, 1870; ratified by the people 2 July, 1870;
in force 8 Aug. 1870.]

P R E A M B L E .

We, the people of the State of Illinois, — grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, — in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity; do ordain and establish this Constitution for the State of Illinois.

A R T I C L E I .

BOUNDARIES.

The boundaries and jurisdiction of the State shall be as follows, to-wit: Beginning at the mouth of the Wabash River; thence up the same, and with the line of Indiana, to the northwest corner of said State; thence east, with the line of the same State, to the middle of Lake Michigan; thence north along the middle of said lake, to north latitude forty-two degrees and thirty

minutes ; thence west to the middle of the Mississippi River, and thence down along the middle of that river to its confluence with the Ohio River, and thence up the latter river, along its northwestern shore, to the place of beginning : *Provided*, that this State shall exercise such jurisdiction upon the Ohio River, as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

ARTICLE II.

BILL OF RIGHTS.

- § 1. *Inherent and Inalienable Rights.*
- § 2. *Due Process of Law.*
- § 3. *Liberty of Conscience Guaranteed.*
- § 4. *Freedom of the Press — Libel.*
- § 5. *Right of Trial by Jury.*
- § 6. *Unreasonable Searches and Seizures.*
- § 7. *Bail allowed — Writ of Habeus Corpus.*
- § 8. *Indictment required — Grand Jury Abolished.*
- § 9. *Rights of Persons Accused of Crime.*
- § 10. *Self Crimination — Former Trial.*
- § 11. *Penalties proportionate — Corruption — Forfeiture.*
- § 12. *Imprisonment for Debt.*
- § 13. *Compensation for Property taken.*
- § 14. *Ex post facto Laws — Irrevocable Grants.*
- § 15. *Military Power Subordinate.*
- § 16. *Quartering of Soldiers.*
- § 17. *Right of Assembly and Petition.*
- § 18. *Elections to be Free and Equal.*
- § 19. *What Laws ought to be.*
- § 20. *Fundamental Principles.*

§ 1. All men are by nature free and independent, and have certain inherent and inalienable rights,—among these are life, liberty, and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

§ 2. No person shall be deprived of life, liberty, or property, without due process of law.

§ 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

§ 4. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defence.

§ 5. The right of trial by jury as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace by a jury of less than twelve men, may be authorized by law.

§ 6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasona-

ble searches and seizures, shall not be violated ; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

§ 7. All persons shall be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great ; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

§ 8. No person shall be held to answer for a criminal offence, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger : *Provided*, that the grand jury may be abolished by law in all cases.

§ 9. In all criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel ; to demand the nature and cause of the accusation, and to have a copy thereof ; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offence is alleged to have been committed.

§ 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offence.

§ 11. All penalties shall be proportioned to the nature of the offence ; and no conviction shall work corruption of blood or forfeiture of estate ; nor shall

any person be transported out of the State for any offence committed within the same.

§ 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law ; or in cases where there is strong presumption of fraud.

§ 13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

§ 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

§ 15. The military shall be in strict subordination to the civil power.

§ 16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner ; nor in time of war except in the manner prescribed by law.

§ 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

§ 18. All elections shall be free and equal.

§ 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property, or reputation ; he ought to obtain, by law, right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay.

§ 20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the Government of this State are divided into three distinct departments, — the Legislative, Executive, and Judicial ; and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

- § 1. *General Assembly elective.*
- § 2. *Time of Election — Vacancies.*
- § 3. *Who are Eligible.*
- § 4. *Disqualification by Crime.*
- § 5. *Oath taken by Members.*
- § 6. *Senatorial Apportionment.*
- §§ 7 & 8. *Minority Representation.*
- § 9. *Time of Meeting — General Rules.*
- § 10. *Secrecy — Adjournments — Journals — Protests.*
- § 11. *Style of Laws.*
- § 12. *Origin and Passage of Bills.*
- § 13. *Reading — Printing — Title — Amendments.*
- § 14. *Privileges of Members.*
- § 15. *Disabilities of Members.*
- § 16. *Bills making Appropriations*

- § 17. *Payment of Money — Statement of Expenses.*
- § 18. *Ordinary Expenses — Casual Deficits — Appropriations limited.*
- § 19. *Extra Compensation or Allowance.*
- § 20. *Public Credit not loaned.*
- § 21. *Pay and Mileage of Members.*
- § 22. *Special Legislation prohibited.*
- § 23. *Against Release from Liability.*
- § 24. *Proceedings on Impeachment.*
- § 25. *Fuel, Stationery, and Printing.*
- § 26. *State not to be sued.*
- § 27. *Lotteries and Gift Enterprises.*
- § 28. *Terms of Office not Extended.*
- § 29. *Protection of operative Miners.*
- § 30. *Concerning Roads — Public and Private.*
- § 31. *Draining and Ditching.*
- § 32. *Homestead and Exemption Laws.*
- § 33. *Completion of the State House.*

§ 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people.

ELECTION.

§ 2. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord 1870, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either House, the Governor, or person exercising the powers of Governor, shall issue writs of election to fill such vacancies.

ELIGIBILITY AND OATH.

§ 3. No person shall be a Senator who shall not have attained the age of twenty-five years, or a Representative who shall not have attained the age of twenty-one years. No person shall be a Senator or a Representative who shall not be a citizen of the United States, and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, secretary of state, attorney-general, State's attorney, recorder, sheriff, or collector of public revenue, member of either House of Congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the General Assembly: *Provided*, that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States (except postmasters whose annual compensation does not exceed the sum of \$ 300), hold any office of honor or profit under the authority of this State.

§ 4. No person who has been, or hereafter shall be convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

§ 5. Members of the General Assembly, before they

enter upon their official duties, shall take and subscribe the following oath or affirmation :

I do solemnly swear [or affirm] that I will support the Constitution of the United States and the Constitution of the State of Illinois, and will faithfully discharge the duties of Senator [or Representative] according to the best of my ability ; and that I have not, knowingly or intentionally, paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company, or person, for any vote or influence I may give or withhold on any bill, resolution, or appropriation, or for any other official act.

This oath shall be administered by a judge of the Supreme or Circuit Court in the hall of the House to which the member is elected, and the Secretary of State shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to, or of violating, his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

APPORTIONMENT — SENATORIAL.

§ 6. The General Assembly shall apportion the State every ten years, beginning with the year 1871, by dividing the population of the State, as ascertained by the federal census, by the number 51, and the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The senators elected in the

year of our Lord 1872, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers, at the end of four years ; and vacancies occurring by the expiration of term shall be filled by the election of Senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as nearly as practicable an equal number of inhabitants ; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths, may be divided into separate districts, and shall be entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

MINORITY REPRESENTATION.

§§ 7 & 8. The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three Representatives shall be elected in each senatorial district at the general election in the year of our Lord 1872, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit ; and the candidates highest in votes shall be declared elected.

TIME OF MEETING AND GENERAL RULES.

§ 9. The sessions of the General Assembly shall commence at 12 o'clock noon, on the Wednesday next

after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this Constitution. A majority of the members elected to each House shall constitute a quorum. Each House shall determine the rules of its proceedings, and be the judge of the election, returns, and qualifications of its members; shall choose its own officers; and the Senate shall choose a temporary President to preside when the Lieutenant-Governor shall not attend as President or shall act as Governor. The Secretary of State shall call the House of Representatives to order at the opening of each new Assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either House, except by a vote of two-thirds of all the members elected to that House, and no member shall be twice expelled for the same offence. Each House may punish by imprisonment any person, not a member, who shall be guilty of disrespect to the House by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

§ 10. The doors of each House, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the House, require secrecy. Neither House shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two Houses shall be sitting. Each House shall keep a journal of its proceedings, which shall be published. In the Senate, at the request of two members, and in the House at the request of five

members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either House shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journals.

STYLE OF LAWS, AND PASSAGE OF BILLS.

§ 11. The style of the laws of this State shall be :
Be it enacted by the People of the State of Illinois, represented in the General Assembly.

§ 12. Bills may originate in either House, but may be altered, amended, or rejected by the other ; and on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal ; and no bill shall become a law without the concurrence of a majority of the members elected to each House.

§ 13. Every bill shall be read at large on three different days, in each House ; and the bill and all amendments thereto shall be printed before the vote is taken on its final passage ; and every bill, having passed both Houses, shall be signed by the speakers thereof. No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed ; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended shall be inserted at length in the new act. And no act of the General Assembly shall take effect until the first

day of July next after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act), the General Assembly shall, by a vote of two-thirds of all the members elected to each House, otherwise direct.

PRIVILEGES AND DISABILITIES.

§ 14. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

§ 15. No person elected to the General Assembly shall receive any civil appointment within this State from the Governor, the Governor and Senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

PUBLIC MONEYS AND APPROPRIATIONS.

§ 16. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject.

§ 17. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the auditor thereon ; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall, within sixty days after the adjournment of each session of the General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

§ 18. Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each House, nor exceed the amount of revenue authorized by law to be raised in such time ; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter : *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars ; and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose ; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war, (for payment of which the faith of the State shall be pledged,) shall be contracted, unless the law authorizing the same shall, at a general election, have been sub-

mitted to the people, and have received a majority of the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrevocable until such debt be paid: *And provided further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

§ 19. The General Assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void: *Provided*, the General Assembly may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

§ 20. The State shall never pay, assume, or become responsible for the debts or liabilities of, or in any manner give, loan, or extend its credit to, or in aid of, any public or other corporation, association, or individual.

PAY OF MEMBERS.

§ 21. The members of the General Assembly shall receive for their services the sum of five dollars per day, during the first session held under this Constitu-

tion, and ten cents for each mile necessarily travelled in going to and returning from the seat of government, to be computed by the auditor of public accounts; and thereafter such compensation as shall be prescribed by law, and no other allowance or emolument, directly or indirectly, for any purpose whatever; except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidental expenses and perquisites; but no change shall be made in the compensation of members of the General Assembly during the term for which they may have been elected. The pay and mileage allowed to each member of the General Assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

SPECIAL LEGISLATION PROHIBITED.

§ 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: for —

Granting divorces;

Changing the names of persons or places;

Laying out, opening, altering, and working roads or highways;

Vacating roads, town plats, streets, alleys, and public grounds;

Locating or changing county seats;

Regulating county and township affairs;

Regulating the practice in courts of justice;

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables;

Providing for changes of venue in civil and criminal cases;

Incorporating cities, towns, or villages, or changing, or amending the charter of any town, city or village ;

Providing for the election of members of the board of supervisors in townships, incorporated towns or cities ;

Summoning and impanelling grand or petit juries ;

Providing for the management of common schools ;

Regulating the rate of interest on money ;

The opening and conducting of any election, or designating the place of voting ;

The sale or mortgage of real estate belonging to minors or others under disability ;

The protection of game or fish ;

Chartering or licensing ferries or toll bridges ;

Remitting fines, penalties, or forfeitures ;

Creating, increasing, or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed ;

Changing the law of descent ;

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose ;

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted.

§ 23. The General Assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State or to any municipal corporation therein.

IMPEACHMENT.

§ 24. The House of Representatives shall have the sole power of impeachment; but a majority of all the members elected must concur therein. All impeachments shall be tried by the Senate; and when sitting for that purpose, that Senators shall be upon oath, or affirmation, to do justice according to law and evidence. When the Governor of the State is tried, the Chief Justice shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. But judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, profit, or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

MISCELLANEOUS.

§ 25. The General Assembly shall provide, by law, that the fuel, stationery, and printing paper furnished for the use of the State; the copying, printing, binding, and distributing the laws and journals, and all other printing ordered by the General Assembly, shall be let by contract to the lowest responsible bidder; but the General Assembly shall fix a maximum price; and no member thereof, or other officer of the State, shall be interested, directly or indirectly, in such contract. But all such contracts shall be subject to the approval of the Governor, and if he disapproves the same, there shall be a re-letting of the contract, in such manner as shall be prescribed by law.

§ 26. The State of Illinois shall never be made defendant in any court of law or equity.

§ 27. The General Assembly shall have no power to authorize lotteries or gift enterprises, for any purpose, and shall pass laws to prohibit the sale of lottery or gift-enterprise tickets in this State.

§ 28. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

§ 29. It shall be the duty of the General Assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement-shafts, or such other appliances as may secure safety in all coal-mines, and to provide for the enforcement of said laws by such penalties and punishments, as may be deemed proper.

§ 30. The General Assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

§ 31. The General Assembly may pass laws permitting the owners or occupants of lands to construct drains and ditches, for agricultural and sanitary purposes, across the lands of others.

§ 32. The General Assembly shall pass liberal homestead and exemption laws.

§ 33. The General Assembly shall not appropriate out of the State treasury, or expend on account of the new capitol grounds, and construction, completion, and furnishing of the state house, a sum exceeding, in the aggregate, three million five hundred thousand dollars, inclusive of all appropriations heretofore made, without first submitting the proposition for an additional expenditure to the legal voters of the State, at a general election ; nor unless a majority of all the votes cast at such election shall be for the proposed additional expenditure.

ARTICLE V.

EXECUTIVE DEPARTMENT.

- § 1. *Officers of this Department.*
- § 2. *Of the State Treasurer.*
- § 3. *Time of electing State Officers.*
- § 4. *Returns — Tie — Contested Election.*
- § 5. *Eligibility for Office.*
- § 6. *Governor — Power and Duty.*
- § 7. *His Message and Statement.*
- § 8. *Convening the General Assembly.*
- § 9. *Proroguing the General Assembly.*
- § 10. *Nominations by the Governor.*
- § 11. *Vacancies may be filled.*
- § 12. *Removals by the Governor.*
- § 13. *Reprieves — Commutations — Pardons.*
- § 14. *Governor as Commander-in-Chief.*
- § 15. *Impeachment for Misdemeanor.*
- § 16. *Veto of the Governor.*
- § 17. *Lieutenant-Governor as Governor.*
- § 18. *As President of the Senate.*
- § 19. *Vacancy in Governor's Office.*
- § 20. *Vacancy in other State Offices.*
- § 21. *Reports of State Officers.*
- § 22. *Great Seal of State.*
- § 23. *Fees and Salaries.*
- § 24. *Definition of "Office."*
- § 25. *Oath of Civil Officers.*

EXECUTIVE DEPARTMENT.

§ 1. The executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent

of Public Instruction, and Attorney-General, who shall, each, with the exception of the Treasurer, hold his office for the term of four years from the second Monday of January next after his election, and until his successor is elected and qualified. They shall, except the Lieutenant-Governor, reside at the seat of government during their term of office, and keep the public records, books, and papers there, and shall perform such duties as may be prescribed by law.

§ 2. The Treasurer shall hold his office for the term of two years, and until his successor is elected and qualified; and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the Governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

ELECTION.

§ 3. An election for Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, and Attorney-General, shall be held on the Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter; for Superintendent of Public Instruction, on the Tuesday next after the first Monday of November, in the year 1870, and every four years thereafter; and for Treasurer on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

§ 4. The returns of every election for the above-named officers shall be sealed up and transmitted, by the returning officers, to the Secretary of State, directed to "The Speaker of the House of Representatives,"

who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each House of the General Assembly, who shall, for that purpose, assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal, and the highest, number of votes, the general assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly, by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY.

§ 5. No person shall be eligible to the office of Governor, or Lieutenant-Governor, who shall not have attained the age of thirty years, and been, for five years next preceding his election, a citizen of the United States and of this State. Neither the Governor, Lieutenant-Governor, Auditor of Public Accounts, Secretary of State, Superintendent of Public Instruction, nor Attorney-General shall be eligible to any other office during the period for which he shall have been elected.

GOVERNOR.

§ 6. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

§ 7. The Governor shall, at the commencement of each session, and at the close of his term of office, give to the General Assembly information, by message, of the condition of the State, and shall recommend such meas-

ures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and, at the commencement of each regular session present estimates of the amount of money required to be raised by taxation for all purposes.

§ 8. The Governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which they are convened; and the General Assembly shall enter upon no business except that for which they were called together.

§ 9. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor may, on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

§ 10. The Governor shall nominate and, by and with the advice and consent of the Senate (a majority of all the senators elected concurring, by yeas and nays), appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly.

§ 11. In case of a vacancy, during the recess of the Senate, in any office which is not elective, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate (a majority of all the senators elected concurring, by yeas and nays), shall hold his

office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the recess of the General Assembly.

§ 12. The Governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant, and fill the same as is herein provided in other cases of vacancy.

§ 13. The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences, subject to such regulations as may be provided by law relative to the manner of applying therefor.

§ 14. The Governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into the service of the United States); and may call out the same to execute the laws, suppress insurrection, and repel invasion.

§ 15. The Governor, and all civil officers of this State, shall be liable to impeachment for any misdemeanor in office.

VETO.

§ 16. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and pro-

ceed to reconsider the bill. If, then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered ; and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. But in all such cases, the vote of each house shall be determined by yeas and nays, to be entered on the journal. Any bill which shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return ; in which case it shall be filed, with his objections, in the office of the Secretary of State, within ten days after such adjournment, or become a law.

LIEUTENANT-GOVERNOR.

§ 17. In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties, and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant-Governor.

§ 18. The Lieutenant-Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a President *pro tempore*, to preside in case of the absence or impeachment of the Lieutenant-Governor, or when he shall hold the office of Governor.

§ 19. If there be no Lieutenant-Governor, or if the Lieutenant-Governor shall, for any of the causes speci-

fied in § 17, of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed ; and if the President of the Senate, for any of the above-named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives.

OTHER STATE OFFICERS.

§ 20. If the office of Auditor of Public Accounts, Treasurer, Secretary of State, Attorney-General, or Superintendent of Public Instruction shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the Governor, under oath ; and any officer who makes a false report shall be guilty of perjury, and punished accordingly.

§ 21. The officers of the executive department, and of all the public institutions of the State, shall, at least ten days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports to the General Assembly, together with the reports of the judges of the Supreme Court of defects in the constitution and laws ; and the Governor may at any time require information, in writing, under

oath, from the officers of the executive department, and all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices.

THE SEAL OF STATE.

§ 22. There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be kept by the Secretary of State, and used by him, officially, as directed by law.

FEES AND SALARIES.

§ 23. The officers named in this article shall receive for their services a salary, to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the Constitution, shall be paid in advance into the State treasury.

DEFINITION AND OATH OF OFFICE.

§ 24. An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished.

§ 25. All civil officers, except members of the General Assembly and such inferior officers as may be by

law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation :

I do solemnly swear [or affirm, as the case may be] that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability.

And no other oath, declaration, or test shall be required as a qualification.

ARTICLE VI.

JUDICIAL DEPARTMENT.

- § 1. *Judicial Powers of Courts.*
- § 2. *Seven Supreme Judges — Four Decide.*
- § 3. *Qualifications of a Supreme Judge.*
- § 4. *Terms of the Supreme Court.*
- § 5. *Three Grand Divisions — Seven Districts.*
- § 6. *Election of Supreme Judges.*
- § 7. *Salaries of the Supreme Judges.*
- § 8. *Appeals and Writs of Error.*
- § 9. *Appointment of Reporter.*
- § 10. *Clerks of the Supreme Court.*
- § 11. *Appellate Courts authorized.*
- § 12. *Jurisdiction of Circuit Courts.*
- § 13. *Formation of Judicial Circuits.*
- § 14. *Time of holding Circuit Courts.*
- § 15. *Circuits containing Four Judges.*
- § 16. *Salaries of the Circuit Judges.*
- § 17. *Qualifications of Judge or Commissioner.*
- § 18. *County Judge — County Clerk.*
- § 19. *Appeals from County Courts.*
- § 20. *Probate Courts authorized.*

- § 21. *Justices of the Peace and Constables.*
- § 22. *State's Attorney in each County.*
- § 23. *Cook County Courts of Record.*
- § 24. *Chief Justice — Power of Judges.*
- § 25. *Salaries of the Judges.*
- § 26. *Criminal Court of Cook County.*
- § 27. *Clerks of Cook County Courts.*
- § 28. *Justices in Chicago appointed.*
- § 29. *Uniformity in the Courts.*
- § 30. *Removal of any Judge.*
- § 31. *Judges to make Written Reports.*
- § 32. *Terms of Office — Filling Vacancies.*
- § 33. *Process — Prosecutions — Population.*

§ 1. The judicial powers, except as in this article is otherwise provided, shall be vested in one Supreme Court, Circuit Courts, County Courts, Justices of the Peace, Police Magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

SUPREME COURT.

§ 2. The Supreme Court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue, in *mandamus*, and *habeas corpus*, and appellate jurisdiction in all other cases. One of said judges shall be chief justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

§ 3. No person shall be eligible to the office of judge of the Supreme Court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State five years

next preceding his election, and be a resident of the district in which he shall be elected.

§ 4. Terms of the Supreme Court shall continue to be held in the present grand divisions at the several places now provided for holding the same; and until otherwise provided by law, one or more terms of said court shall be held, for the northern division, in the city of Chicago, each year, at such times as said court may appoint, whenever said city or the county of Cook shall provide appropriate rooms therefor, and the use of a suitable library, without expense to the State. The judicial divisions may be altered, increased, or diminished in number, and the times and places of holding said court may be changed by law.

§ 5. The present grand divisions shall be preserved, and be denominated Southern, Central, and Northern, until otherwise provided by law. The State shall be divided into seven districts for the election of judges, and until otherwise provided by law, they shall be as follows: —

First District. — The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski, and Massac.

Second District. — The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun, and Christian.

Third District. — The counties of Sangamon, Macon, Logan, DeWitt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie, and Tazewell.

Fourth District.—The counties of Fulton, McDonough, Hancock, Schuyler, Brown; Adams, Pike, Mason, Menard, Morgan, Cass, and Scott.

Fifth District.—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, La Salle, Grundy, and Woodford.

Sixth District.—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, De Kalb, Lee, Ogle, and Rock Island.

Seventh District.—The counties of Lake, Cook, Will, Kankakee, and Du Page.

The boundaries of the districts may be changed at the session of the General Assembly next preceding the election for judges therein, and at no other time; but whenever such alterations shall be made, the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

§ 6. At the time of voting on the adoption of this Constitution, one judge of the Supreme Court shall be elected by the electors thereof, in each of said districts numbered two, three, six, and seven, who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord 1870. The term of office of judges of the Supreme Court, elected after the adoption of this Constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this Constitution or of the judges then elected, shall expire, and every nine years thereafter, there shall be

an election for the successor or successors of such judges, in the respective districts wherein the term of such judges shall expire. The chief justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number chief justice.

§ 7. From and after the adoption of this Constitution, the judges of the Supreme Court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the terms for which said judges shall have been elected.

§ 8. Appeals and writs of error may be taken to the Supreme Court, held in the grand division in which the case is decided, or, by consent of the parties, to any other grand division.

§ 9. The Supreme Court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the court.

§ 10. At the time of the election for representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter, one clerk of said court for each division shall be elected.

APPELLATE COURTS.

§ 11. After the year of our Lord 1874 inferior appellate courts, of uniform organization and jurisdiction,

may be created in districts formed for that purpose, to which such appeals and writs of error as the General Assembly may provide, may be prosecuted from circuit and other courts, and from which appeals and writs of error shall lie to the Supreme Court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and at such times and places, and in such manner, as may be provided by law ; but no judge shall sit in review upon cases decided by him ; nor shall said judges receive any additional compensation for such services.

CIRCUIT COURTS.

§ 12. The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.

§ 13. The State, exclusive of the county of Cook and other counties having a population of one hundred thousand, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the Circuit Courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory, and population, and shall not exceed in number one circuit for every one hundred thousand of population in the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the

boundaries of circuits changed by the General Assembly, at its session next preceding the election for circuit judges, but at no other time: *Provided*, that the circuits may be equalized or changed at the first session of the General Assembly after the adoption of this Constitution. The creation, alteration, or change of any circuit shall not effect the tenure of office of any judge. Whenever the business of the Circuit Court of any one, or of two or more contiguous counties, containing a population exceeding fifty thousand, shall occupy nine months of the year, the General Assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

§ 14. The General Assembly shall provide for the times of holding court in each county; which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the Circuit Courts shall be held on the first Monday in June, in the year of our Lord 1873, and every six years thereafter.

§ 15. The General Assembly may divide the State into judicial circuits of greater population and territory, in lieu of the circuits provided for in § 13 of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the Circuit Courts in the circuit for which they shall be elected, in such manner as may be provided by law.

§ 16. From and after the adoption of this Constitution, judges of the circuit courts shall receive a salary of three thousand dollars per annum, payable quar-

terly, until otherwise provided by law. And after their salaries shall be fixed by law, they shall not be increased or diminished during the terms for which said judges shall be, respectively, elected; and from and after the adoption of this Constitution, no judge of the Supreme or Circuit Court shall receive any other compensation, perquisite, or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

§ 17. No person shall be eligible to the office of judge of the Circuit or any inferior court, or to membership in the "Board of County Commissioners," unless he shall be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities, or incorporated town in which he shall be elected.

COUNTY COURTS.

§ 18. There shall be elected in and for each county, one county judge and one clerk of the County Court, whose terms of office shall be four years. But the General Assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of, and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate; settlement of estates of deceased persons; appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices; and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

§ 19. Appeals and writs of error shall be allowed from final determinations of County Courts, as may be provided by law.

PROBATE COURTS.

§ 20. The General Assembly may provide for the establishment of a probate court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices, and in cases of the sales of real estate of deceased persons for the payment of debts.

JUSTICES OF THE PEACE AND CONSTABLES.

§ 21. Justices of the peace, police magistrates, and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

STATE'S ATTORNEYS.

§ 22. At the election for members of the General Assembly in the year of our Lord 1872, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's attorneys now provided by law, whose term of office shall be four years.

COURTS OF COOK COUNTY.

§ 23. The county of Cook shall be one judicial circuit. The Circuit Court of Cook County shall consist of five judges, until their number shall be increased, as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the Circuit Court of Cook County, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The Superior Court of Chicago shall be continued, and called the Superior Court of Cook County. The General Assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county, over and above a population of four hundred thousand. The terms of office of the judges of said courts hereafter elected shall be six years.

§ 24. The judge having the shortest unexpired term shall be chief justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be chief justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.

§ 25. The judges of the Superior and Circuit Courts, and the State's attorney, in said county, shall receive the same salaries, payable out of the State treasury, as is or may be paid from said treasury to the circuit judges and State's attorneys of the State, and such further compensation, to be paid by the county of Cook, as

is or may be provided by law ; such compensation shall not be changed during their continuance in office.

§ 26. The recorder's court of the city of Chicago shall be continued, and shall be called the "Criminal Court of Cook County." It shall have the jurisdiction of a Circuit Court, in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law ; and all recognizances and appeals taken in said county, in criminal and *quasi* criminal cases, shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said Criminal Court of Cook County shall be held by one or more of the judges of the Circuit or Superior Court of Cook County, as nearly as may be in alternation, as may be determined by said judges, or provided by law. Said judges shall be, *ex officio*, judges of said court.

§ 27. The present clerk of the recorder's court of the city of Chicago, shall be the clerk of the Criminal Court of Cook County, during the term for which he was elected. The present clerks of the Superior Court of Chicago, and the present clerk of the Circuit Court of Cook County, shall continue in office during the terms for which they were respectively elected ; and thereafter there shall be but one clerk of the Superior Court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§ 28. All justices of the peace in the city of Chicago shall be appointed by the Governor, by and with the advice and consent of the Senate, (but only upon the

recommendation of a majority of the judges of the Circuit, Superior, and County Courts,) and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceeding in the Circuit or Superior Court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.

GENERAL PROVISIONS.

§ 29. All judicial officers shall be commissioned by the Governor. All laws relating to courts shall be general, and of uniform operation; and the organization, jurisdiction, powers, proceedings, and practice of all courts, of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments, and decrees of such courts, severally, shall be uniform.

§ 30. The General Assembly may, for cause entered on the journals, upon due notice and opportunity of defence, remove from office any judge, upon concurrence of three-fourths of all the members elected, of each house. All other officers in this article mentioned, shall be removed from office on prosecution and final conviction, for misdemeanor in office.

§ 31. All judges of courts of record, inferior to the Supreme Court, shall, on or before the first day of June, of each year, report in writing to the judges of the Supreme Court, such defects and omissions in the laws as their experience may suggest; and the judges of the Supreme Court shall, on or before the first day of Jan-

uary, of each year, report in writing to the Governor such defects and omissions in the constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. And the judges of the several Circuit Courts shall report to the next General Assembly the number of days they have held court, in the several counties composing their respective circuits, the preceding two years.

§ 32. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county, or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is, or may be, provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment, as follows: Of judges, by the Governor; of clerks of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors, or board of county commissioners, in the county where the vacancy occurs.

§ 33. All process shall run: *In the name of the People of the State of Illinois*; and all prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois*; and conclude: *Against the peace and dignity of the same*. "Population," wherever used in this article, shall be determined by the next preceding census of this State, or of the United States.

ARTICLE VII.

SUFFRAGE.

- § 1. *Who are Entitled to Vote.*
- § 2. *All Voting to be by Ballot.*
- § 3. *Privileges of Electors.*
- § 4. *Absence on Public Business.*
- § 5. *Soldier not deemed a Resident.*
- § 6. *Qualifications for Office.*
- § 7. *Persons Convicted of Crime.*

§ 1. Every person having resided in this State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of January, in the year of our Lord 1870, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

§ 2. All votes shall be by ballot.

§ 3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

§ 4. No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States, or of this State, or in the military or naval service of the United States.

§ 5. No soldier, seaman, or marine in the army or

navy of the United States, shall be deemed a resident of this State in consequence of being stationed therein.

§ 6. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

§ 7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

ARTICLE VIII.

EDUCATION.

§ 1. *Free Schools established.*

§ 2. *Gifts or Grants in aid of Schools.*

§ 3. *Public Schools not to be Sectarian.*

§ 4. *School Officers not Interested.*

§ 5. *County Superintendent of Schools.*

§ 1. The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of this State may receive a good common-school education.

§ 2. All lands, moneys, or other property, donated, granted, or received for school, college, seminary, or university purposes, and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

§ 3. Neither the General Assembly, nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any

church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property, ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

§ 4. No teacher, State, county, township, or district-school officer shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used, or to be used, in any school in this State, with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

§ 5. There may be a county superintendent of schools in each county, whose qualifications, powers, duties, compensation, and time and manner of election, and term of office, shall be prescribed by law.

ARTICLE IX.

REVENUE.

- § 1. *Principles of Taxation Stated.*
- § 2. *Other and further Taxation.*
- § 3. *Property Exempt from Taxation.*
- § 4. *Sale of Real Property for Taxes.*
- § 5. *Right of Redemption therefrom.*
- § 6. *Release from Taxation Forbidden.*
- § 7. *Taxes paid into State Treasury.*
- § 8. *Limitation on County Taxes.*
- § 9. *Local Municipal Improvements.*
- § 10. *Taxation of Municipal Corporations.*
- § 11. *Defaulter not to be Eligible.*
- § 12. *Limitation on Municipal Indebtedness.*

§ 1. The General Assembly shall provide such revenue as may be needful, by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property — such value to be ascertained by some person or persons, to be elected or appointed in such manner as the General Assembly shall direct, and not otherwise; but the General Assembly shall have power to tax pedlers, auctioneers, brokers, hawkers, merchants, commission-merchants, showmen, jugglers, innkeepers, grocery-keepers, liquor-dealers, toll-bridges, ferries, insurance, telegraph, and express interests or business, venders of patents, and persons or corporations owning or using franchises and privileges, in such manner as it shall, from time to time, direct by general law, uniform as to the class upon which it operates.

§ 2. The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

§ 3. The property of the State, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessment of real estate encumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

§ 4. The General Assembly shall provide, in all cases where it may be necessary to sell real estate for

the non-payment of taxes or special assessments, for State, county, municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county, having authority to receive State and county taxes ; and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of some court of record.

§ 5. The right of redemption from all sales of real estate, for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. And the General Assembly shall provide, by law, for reasonable notice to be given to the owners or parties interested, by publication, or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire : *Provided*, that occupants shall in all cases be served with personal notice before the time of redemption expires.

§ 6. The General Assembly shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or the property therein, from their, or its, proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

§ 7. All taxes levied for State purposes shall be paid into the State treasury.

§ 8. County authorities shall never assess taxes, the aggregate of which shall exceed seventy-five cents per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this Consti-

tution, unless authorized by a vote of the people of the county.

§ 9. The General Assembly may vest the corporate authorities of cities, towns, and villages, with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes ; but such taxes shall be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

§ 10. The General Assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

§ 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation shall be eligible to any office in or under such corporation. The fees, salary, or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

§ 12. No county, city, township, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggre-

gate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation, incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this Constitution in pursuance of any law providing therefor.

ARTICLE X.

COUNTIES.

- § 1. *Formation of New Counties.*
- § 2. *Division of any County.*
- § 3. *Territory stricken from a County.*
- § 4. *Removal of a County-Seat.*
- § 5. *Methods of County Government.*
- § 6. *Board of County Commissioners.*
- § 7. *County Affairs in Cook County.*
- § 8. *County Officers — Terms of Office.*
- § 9. *Salaries and Fees in Cook County.*
- § 10. *Salaries fixed by County Board.*
- § 11. *Township Officers — Special Laws.*
- § 12. *All future Fees Uniform.*
- § 13. *Sworn Report of all Fees.*

§ 1. No new county shall be formed or established by the General Assembly, which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county-seat of the county or counties proposed to be divided.

§ 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county, voting on the question, shall vote for the same.

§ 3. There shall be no territory stricken from any county, unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for, and obliged to pay its proportion of the indebtedness of the county from which it has been taken.

COUNTY-SEATS.

§ 4. No county-seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and three fifths of the voters of the county, to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no person shall vote on such question who has not resided in the county six months, and in the election precinct ninety days next

preceding such election. The question of the removal of a county-seat shall not be oftener submitted than once in ten years, to a vote of the people. But when an attempt is made to remove a county-seat to a point nearer to the centre of a county, then a majority vote only shall be necessary.

COUNTY GOVERNMENT.

§ 5. The General Assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine, and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the General Assembly may provide. And in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law ; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county ; and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the State.

§ 6. At the first election of county judges under this Constitution, there shall be elected in each of the

counties in this State, not under township organization, three officers, who shall be styled "The Board of County Commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

§ 7. The county affairs of Cook County shall be managed by a board of commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago, and five from towns outside of said city, in such manner as may be provided by law.

COUNTY OFFICERS AND THEIR COMPENSATION.

§ 8. In each county there shall be elected the following county officers: County judge, sheriff, county clerk, clerk of the Circuit Court (who may be *ex officio* recorder of deeds, except in counties having sixty thousand and more inhabitants, in which counties a recorder of deeds shall be elected at the general election, in the year of our Lord 1872), treasurer, surveyor, and coroner, each of whom shall enter upon the duties of his office, respectively, on the first Monday of December after their election; and they shall hold their respective offices for the term of four years, except the treasurer, sheriff, and coroner, who shall hold their offices for two years, and until their successors shall be elected and qualified.

§ 9. The clerks of all the courts of record, the treasurer, sheriff, coroner, and recorder of deeds of Cook County, shall receive, as their only compensation for

their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a judge of the Circuit Court of said county, and shall be paid, respectively, only out of the fees of the office actually collected. All fees, perquisites, and emoluments (above the amount of said salaries) shall be paid into the county treasury. The number of the deputies and assistants of such officers shall be determined by rule of the Circuit Court, to be entered of record, and their compensation shall be determined by the county board.

§ 10. The county board, except as provided in § 9 of this article, shall fix the compensation of all county offices, with the amount of their necessary clerk hire, stationery, fuel, and other expenses, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected; they shall not allow either of them more per annum than \$1,500, in counties not exceeding 20,000 inhabitants; \$2,000 in counties containing 20,000 and not exceeding 30,000 inhabitants; \$2,500 in counties containing 30,000 and not exceeding 50,000 inhabitants; \$3,000 in counties containing 50,000 and not exceeding 70,000 inhabitants; \$3,500 in counties containing 70,000 and not exceeding 100,000 inhabitants; and \$4,000 in counties containing over 100,000 and not exceeding 250,000 inhabitants; and not more than \$1,000 additional compensation for each additional 100,000 inhabitants: *Provided*, that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received, in excess of their said compensation, shall be paid into the county treasury.

§ 11. The fees of township officers, and of each class of county officers, shall be uniform in the class of counties to which they respectively belong. The compensation herein provided for shall apply only to officers hereafter elected, but all fees established by special laws shall cease at the adoption of this Constitution, and such officers shall receive only such fees as are provided by general law.

§ 12. All laws fixing the fees of State, county, and township officers shall terminate with the terms, respectively, of those who may be in office at the meeting of the first General Assembly after the adoption of this Constitution; and the General Assembly shall, by general law, uniform in its operation, provide for and regulate the fees of said officers and their successors, so as to reduce the same to a reasonable compensation for services actually rendered. But the General Assembly may, by general law, classify the counties by population into not more than three classes, and regulate the fees according to class. This article shall not be construed as depriving the General Assembly of the power to reduce the fees of existing officers.

§ 13. Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report, under oath, to some officer to be designated by law, of all his fees and emoluments.

ARTICLE XI.

CORPORATIONS.

§ 1. *Established only by General Laws.*

§ 2. *Existing Charters — How forfeited.*

- § 3. *Election of Directors or Managers.*
- § 4. *Construction of Street Railroads.*
- § 5. *State Bank forbidden — General Law.*
- § 6. *Liability of Bank Stockholder.*
- § 7. *Suspension of Specie Payment.*
- § 8. *Of a General Banking Law.*
- § 9. *Railroad Office — Books and Records.*
- § 10. *Personal Property of Railroads.*
- § 11. *Consolidations forbidden.*
- § 12. *Railroads deemed Highways — Rates fixed.*
- § 13. *Stock, Bonds, and Dividends.*
- § 14. *Power over existing Companies.*
- § 15. *Freight and Passenger Tariffs regulated.*

§ 1. No corporation shall be created by special laws, or its charter extended, changed, or amended, except those for charitable, educational, penal, or reformatory purposes, which are to be and remain under the patronage and control of the State ; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created.

§ 2. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this Constitution takes effect, shall thereafter have no validity or effect whatever.

§ 3. The General Assembly shall provide, by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to

cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

§ 4. No law shall be passed by the General Assembly, granting the right to construct and operate a street railroad within any city, town, or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

BANKS.

§ 5. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes, now created, or to be hereafter created. No act of the General Assembly authorizing or creating corporations or associations, with banking powers, whether of issue, deposit, or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for or against such law.

§ 6. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remains such stockholder.

§ 7. The suspension of specie payments by banking institutions, on their circulation, created by the laws of this State, shall never be permitted or sanctioned. Every banking association now, or which may hereafter be, organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs, (which shall be certified to, under oath, by one or more of its officers), as may be provided by law.

§ 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills or paper credit, designed to circulate as money, and require security, to the full amount thereof, to be deposited with the State Treasurer, in United States or Illinois State stocks, to be rated at ten per cent below their par value; and in case of a depreciation of said stocks to the amount of ten per cent below par, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks. And said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer thereof, and to whom such transfer is made.

RAILROADS.

§ 9. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for public inspection, books, in which shall be recorded the amount of capital stock subscribed, and by

whom ; the names of the owners of its stock, and the amounts owned by them respectively ; the amount of stock paid in and by whom ; the transfers of said stock ; the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall, annually, make a report, under oath, to the Auditor of Public Accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

§ 10. The rolling stock, and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

§ 11. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line ; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

§ 12. Railways heretofore constructed, or that may hereafter be constructed, in this State are hereby declared public highways, and shall be free to all persons, for the transportation of their persons and property

thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

§ 13. No railroad corporation shall issue any stock of bonds, except for money, labor, or property actually received, and applied to the purposes for which such corporation was created; and all stock dividends, and other fictitious increase of the capital stock or indebtedness of any such corporation, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days' public notice, in such manner as may be provided by law.

§ 14. The exercise of the power, and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

§ 15. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws, by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

ARTICLE XII.

MILITIA.

- § 1. *Persons composing the Militia.*
- § 2. *Organization — Equipment — Discipline.*
- § 3. *Commissions of Officers.*
- § 4. *Privilege from Arrest.*
- § 5. *Records, Banners, and Relics.*
- § 6. *Exemptions from Militia Duty.*

§ 1. The militia of the State of Illinois shall consist of all able-bodied male persons, resident in the State, between the ages of eighteen and forty-five, except such persons as now are, or hereafter may be exempted by the laws of the United States, or of this State.

§ 2. The General Assembly, in providing for the organization, equipment, and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

§ 3. All militia officers shall be commissioned by the Governor, and may hold their commissions for such time as the General Assembly may provide.

§ 4. The militia shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and elections, and in going to and returning from the same.

§ 5. The military records, banners, and relics of the State shall be preserved as an enduring memorial of the patriotism and valor of Illinois, and it shall be the duty of the General Assembly to provide by law for the safe keeping of the same.

§ 6. No person having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace: *Provided*, such person shall pay an equivalent for such exemption.

ARTICLE XIII.

WAREHOUSES.

- § 1. *What deemed Public Warehouses.*
- § 2. *Sworn Weekly Statements required.*
- § 3. *Examination of Property stored.*
- § 4. *Carriers to deliver Full Weight.*
- § 5. *Delivery of Grain by Railroads.*
- § 6. *Power and Duty of the Legislature.*
- § 7. *Grain Inspection — Protection of Dealers.*

§ 1. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

§ 2. The owner, lessee, or manager of each and every public warehouse situated in any town or city of not less than one hundred thousand inhabitants, shall make weekly statements under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in the office of such warehouse, and shall also file a copy for public examination in such place as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued, and are, at the time of making such statement, outstanding therefor; and shall, on

the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse ; and the different grades of grain, shipped in separate lots, shall not be mixed with inferior or superior grades without the consent of the owner or consignee thereof.

§ 3. The owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored, and all the books and records of the warehouse in regard to such property.

§ 4. All railroad companies and other common carriers on railroads shall weigh or measure grain at points where it is shipped, and receipt for the full amount, and shall be responsible for the delivery of such amount to the owner or consignee thereof, at the place of destination.

§ 5. All railroad companies receiving and transporting grain in bulk or otherwise shall deliver the same to any consignee thereof, or any elevator or public warehouse to which it may be consigned, provided such consignee or the elevator or public warehouse can be reached by any track owned, leased, or used, or which can be used by such railroad companies ; and all railroad companies shall permit connections to be made with their track, so that any such consignee, and any public warehouse, coal-bank, or coal-yard may be reached by the cars on said railroad.

§ 6. It shall be the duty of the General Assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts, and to give full effect to this article of the Constitution, which shall be liberally construed so as to protect producers and shippers. And

the enumeration of the remedies herein named, shall not be construed to deny to the General Assembly the power to prescribe by law such other and further remedies as may be found expedient, or to deprive any person of existing common law remedies.

§ 7. The General Assembly shall pass laws for the inspection of grain; for the protection of producers, shippers, and receivers of grain and produce.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

§ 1. *By a Constitutional Convention.*

§ 2. *Proposed by the Legislature.*

§ 1. Whenever two thirds of the members of each house of the General Assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter, or amend the Constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a Convention, the General Assembly shall, at the next session, provide for a Convention, to consist of double the number of members of the Senate, to be elected in the same manner, at the same places, and in the same districts. The General Assembly shall, in the act calling the Convention, designate the day, hour, and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the Convention in the performance of its duties. Before proceeding, the members shall take an oath to support the Constitution of the United States, and of the State

of Illinois, and to faithfully discharge their duties as members of the Convention. The qualification of members shall be the same as that of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said Convention shall meet within three months after such election, and prepare such revision, alteration, or amendments of the Constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection, at an election appointed by the Convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved, by a majority of the electors voting at the election, no such revision, alterations, or amendments shall take effect.

§ 2. Amendments to this Constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two thirds of all the members elected to each of the two houses, such proposed amendments, together with the yeas and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this Constitution. But the General Assembly shall have no power to propose amendments to more than one article of this Constitution at the same session, nor to the same article oftener than once in four years.

SEPARATE SECTIONS.

Illinois Central Railroad.

Municipal Subscriptions to Corporations.

Illinois and Michigan Canal.

ILLINOIS CENTRAL RAILROAD.

No contract, obligation, or liability whatever, of the Illinois Central Railroad Company, to pay any money into the State treasury, nor any lien of the State upon, or right to tax property of said company, in accordance with the provisions of the charter of said company approved February 10, in the year of our Lord 1851, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State Government, and for no other purposes whatever.

MUNICIPAL SUBSCRIPTIONS TO RAILROADS OR PRIVATE CORPORATIONS.

No county, city, town, township, or other municipality shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation: *Provided, however,* that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

CANAL.

The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State, at a general election, and have been approved by a majority of all the votes polled at such election. The General Assembly shall never loan the credit of the State, or make appropriations from the treasury thereof, in aid of railroads or canals: *Provided*, that any surplus earnings of any canal may be appropriated for its enlargement or extension.

SCHEDULE.

- § 1. *Laws in Force remain Valid.*
- § 2. *Fines, Penalties, and Forfeitures.*
- § 3. *Recognizances, Bonds, Obligations.*
- § 4. *Present County Courts continued.*
- § 5. *All existing Courts continued.*
- § 6. *Persons now in Office continued.*
- § 7. *Election of Supreme Judges.*
- § 8. *Time and Manner of Submission.*
- § 9. *Duty of the Secretary of State.*
- § 10. *New Constitution Ticket.*
- § 11. *Election Returns — How canvassed.*
- § 12. *In Case of partial Adoption.*
- § 13. *Apportionment of Representatives.*
- § 14. *Election of Members of the First House.*
- § 15. *First Election of Senators.*
- § 16. *Apportionment by the General Assembly.*
- § 17. *Governor to issue Writs of Election.*
- § 18. *English shall be the Official Language.*
- § 19. *Necessary Laws shall be enacted.*

- § 20. *Present Recorders continued.*
- § 21. *Compensation of Cook County Judges.*
- § 22. *Circuit Court of Lake County.*
- § 23. *Two-mill Tax abolished.*
- § 24. *Indebtedness of the City of Quincy.*
- § 25. *Former Constitution to cease.*
- § 26. *Provisions taking Effect immediately.*

That no inconvenience may arise from the alterations and amendments made in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared : —

§ 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts of this State, individuals, or bodies corporate, shall continue to be as valid as if this Constitution had not been adopted.

§ 2. That all fines, taxes, penalties, and forfeitures, due and owing to the State of Illinois under the present Constitution and laws, shall inure to the use of the people of the State of Illinois, under this Constitution.

§ 3. Recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to the people of the State of Illinois, to any State or county officer or public body, shall remain binding and valid ; and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the Constitution of this State.

§ 4. County courts for the transaction of county business in counties not having adopted township organization, shall continue in existence, and exercise their present jurisdiction until the board of county commis-

sioners provided in this Constitution is organized in pursuance of an act of the General Assembly ; and the county courts in all other counties shall have the same power and jurisdiction they now possess until otherwise provided by general law.

§ 5. All existing courts which are not in this Constitution specifically enumerated shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

§ 6. All persons now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless by this Constitution it is otherwise directed.

§ 7. On the day this Constitution is submitted to the people for ratification, an election shall be held for judges of the Supreme Court in the second, third, sixth, and seventh judicial election districts designated in this Constitution, and for the election of three judges of the Circuit Court in the county of Cook as provided for in the article of this Constitution relating to the judiciary, at which election every person entitled to vote, according to the terms of this Constitution, shall be allowed to vote, and the election shall be otherwise conducted, returns made and certificates issued, in accordance with existing laws, except that no registry shall be required at said election : *Provided*, that at said election in the county of Cook, no elector shall vote for more than two candidates for circuit judge. If, upon canvassing the votes for and against the adoption of this Constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificates of election shall be issued for any of said supreme or circuit judges.

§ 8. This Constitution shall be submitted to the people of the State of Illinois for adoption or rejection, at an election to be held on the first Saturday in July, in the year of our Lord 1870, and there shall be separately submitted at the same time, for adoption or rejection, §§ 9, 10, 11, 12, 13, 14, and 15, relating to railroads, in the article entitled "Corporations"; the article entitled "Counties"; the article entitled "Warehouses"; the question of requiring a three-fifths vote to remove a county-seat; the section relating to the Illinois Central Railroad; the section in relation to minority representation; the section relating to municipal subscriptions to railroads or private corporations, and the section relating to the canal.

Every person entitled to vote under the provisions of this Constitution, as defined in the article in relation to "Suffrage," shall be entitled to vote for the adoption or rejection of this Constitution, and for or against the articles, sections, and questions aforesaid, separately submitted; and the said qualified electors shall vote at the usual places of voting, unless otherwise provided; and the said election shall be conducted, and returns thereof made according to the laws now in force regulating general elections, except that no registry shall be required at said election: *Provided, however,* that the polls shall be kept open for the reception of ballots until sunset of said day of election.

§ 9. The Secretary of State shall, at least twenty days before said election, cause to be delivered to the county clerk of each county blank poll-books, tally-lists, and forms of return, and twice the number of properly prepared printed ballots for the said election that there are voters in such county, the expense whereof shall be

audited and paid as other public printing ordered by the Secretary of State is, by law, required to be audited and paid ; and the several county clerks shall, at least five days before said election, cause to be distributed to the board of election, in each election district in their respective counties, said blank poll-books, tally-lists, forms of return, and tickets.

§ 10. At the said election the ballots shall be in the following form : —

New Constitution Ticket.

For all the propositions on this ticket which are not cancelled with ink or pencil ; and against all propositions which are so cancelled. For the new Constitution. For the sections relating to railroads in the article entitled corporations. For the article entitled “ Counties.” For the article entitled “ Warehouses.” For a three fifths vote to remove county-seats. For the section relating to the Illinois Central Railroad. For the section relating to minority representation. For the section relating to municipal subscriptions to railroads or private corporations. For the section relating to the canal.

Each of said tickets shall be counted as a vote cast for each proposition thereon not cancelled with ink or pencil, and against each proposition so cancelled, and returns thereof shall be made accordingly by the judges of election.

§ 11. The returns of the whole vote cast, and of the votes for the adoption or rejection of this Constitution, and for or against the articles and sections respectively submitted, shall be made by the several county clerks, as is now provided by law, to the Secretary of State,

within twenty days after the election ; and the returns of the said votes shall, within five days thereafter, be examined and canvassed by the Auditor, Treasurer, and Secretary of State, or any two of them, in the presence of the Governor, and proclamation shall be made by the Governor, forthwith, of the result of the canvass.

§ 12. If it shall appear that a majority of the votes polled are “for the new Constitution,” then so much of this Constitution as was not separately submitted to be voted on by articles and sections, shall be the supreme law of the State of Illinois, on and after Monday, the 8th day of August, A. D. 1870 ; but if it shall appear that a majority of the votes polled were “against the new Constitution,” then so much thereof as was not separately submitted to be voted on by articles and sections shall be null and void. If it shall appear that a majority of the votes polled are “for the sections relating to railroads in the article entitled ‘Corporations,’ ” §§ 9, 10, 11, 12, 13, 14, and 15, relating to railroads in the said article, shall be a part of the Constitution of this State ; but if a majority of said votes are against such sections, they shall be null and void. If a majority of the votes polled are “for the article entitled ‘Counties,’ ” such article shall be a part of the Constitution of this State, and shall be substituted for Article VII. in the present Constitution entitled “Counties ” ; but if a majority of said votes are against such article, the same shall be null and void. If a majority of the votes polled are for the article entitled “Warehouses,” such article shall be a part of the Constitution of this State ; but if a majority of the votes are against said article, the same shall be null and void. If a majority of the votes polled are for either of the sections sepa-

rately submitted, relating respectively to the "Illinois Central Railroad," "Minority Representation," "Municipal Subscriptions to Railroads or Private Corporations," and the "Canal," then such of said sections as shall receive such majority shall be a part of the Constitution of this State; but each of said sections so separately submitted against which, respectively, there shall be a majority of the votes polled, shall be null and void: *Provided*, that the section relating to "Minority Representation" shall not be declared adopted unless the portion of the Constitution not separately submitted to be voted on by articles and sections shall be adopted, and in case said section relating to "Minority Representation" shall become a portion of the Constitution, it shall be substituted for §§ 7 and 8 of the legislative article. If a majority of the votes cast at such election shall be for a three-fifths vote to remove a county-seat, then the words "a majority" shall be stricken out of § 4 of the article on counties, and the words "three fifths" shall be inserted in lieu thereof; and the following words shall be added to said section, to wit: "But when an attempt is made to remove a county-seat to a point nearer to the centre of a county, then a majority vote only shall be necessary." If the foregoing proposition shall not receive a majority of the votes, as aforesaid, then the same shall have no effect whatever.

§ 13. Immediately after the adoption of this Constitution, the Governor and Secretary of State shall proceed to ascertain and fix the apportionment of the State for members of the first House of Representatives under this Constitution. The apportionment shall be based upon the federal census of the year of our Lord 1870 of the State of Illinois, and shall be made strictly

in accordance with the rules and principles announced in the article on the legislative department of this Constitution: *Provided*, that in case the federal census aforesaid cannot be ascertained prior to Friday, the 23d day of September, in the year of our Lord 1870, then the said apportionment shall be based on the State census of the year of our Lord 1865, in accordance with the rules and principles aforesaid. The Governor shall, on or before Wednesday, the 28th day of September, in the year of our Lord 1870, make official announcement of the said apportionment, under the great seal of the State; and one hundred copies thereof, duly certified, shall be forthwith transmitted by the Secretary of State to each county clerk for distribution.

§ 14. The districts shall be regularly numbered, by the Secretary of State, commencing with Alexander County as number one, and proceeding then northwardly through the State, and terminating with the County of Cook; but no county shall be numbered as more than one district, except the county of Cook, which shall constitute three districts, each embracing the territory contained in the now existing representative districts of said county. And on the Tuesday after the first Monday in November, in the year of our Lord 1870, the members of the first House of Representatives under this Constitution shall be elected according to the apportionment fixed and announced as aforesaid, and shall hold their offices for two years, and until their successors shall be elected and qualified.

15. The Senate, at its first session under this Constitution, shall consist of fifty members, to be chosen as follows: At the general election held on the first Tuesday after the first Monday of November in the year of

our Lord 1870, two senators shall be elected in districts where the term of senators expires on the first Monday of January, in the year of our Lord 1871, or where there shall be a vacancy, and in the remaining districts one senator shall be elected. Senators so elected shall hold their office two years.

§ 16. The General Assembly, at its first session held after the adoption of this Constitution, shall proceed to apportion the State for members of the Senate and House of Representatives, in accordance with the provisions of the article on the legislative department.

§ 17. When this Constitution shall be ratified by the people, the Governor shall forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties of this State, or in case of vacancies, to the coroners, for the election of all the officers, the time of whose election is fixed by this Constitution or schedule, and it shall be the duty of said sheriffs or coroners to give such notice of the time and place of said election as is now prescribed by law.

§ 18. All laws of the State of Illinois, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

§ 19. The General Assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

§ 20. The circuit clerks of the different counties having a population over sixty thousand shall continue to be recorders (*ex officio*) for their respective counties, under this Constitution, until the expiration of their respective terms.

§ 21. The judges of all courts of record in Cook

County shall, in lieu of any salary provided for in this Constitution, receive the compensation now provided by law until the adjournment of the first session of the General Assembly after the adoption of this Constitution.

§ 22. The present judge of the Circuit Court of Cook County shall continue to hold the Circuit Court of Lake County until otherwise provided by law.

§ 23. When this Constitution shall be adopted and take effect as the supreme law of the State of Illinois, the two-mill tax provided to be annually assessed and collected upon each dollar's worth of taxable property, in addition to all other taxes, as set forth in Article XV. of the now existing Constitution, shall cease to be assessed after the year of our Lord 1870.

§ 24. Nothing contained in this Constitution shall be so construed as to deprive the General Assembly of power to authorize the city of Quincy to create any indebtedness for railroad or municipal purposes for which the people of said city shall have voted, and to which they shall have given, by such vote, their assent, prior to the 13th day of December, in the year of our Lord 1869: *Provided*, that no such indebtedness, so created, shall, in any part thereof, be paid by the State, or from any State revenue tax or fund, but the same shall be paid, if at all, by the said city of Quincy alone, and by taxes to be levied upon the taxable property thereof: *And provided further*, that the General Assembly shall have no power in the premises, that it could not exercise under the present Constitution of this State.

§ 25. In case this Constitution, and the articles and sections submitted separately, be adopted, the existing Constitution shall cease in all its provisions, and in case

this Constitution be adopted, and any one or more of the articles or sections submitted separately be defeated, the provisions of the existing Constitution, if any, on the same subject shall remain in force.

§ 26. The provisions of this Constitution required to be executed, prior to the adoption or rejection thereof, shall take effect and be in force immediately.

Done in Convention at the capitol, in the city of Springfield, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy, and of the Independence of the United States of America the ninety-fourth.

WASHINGTON'S FAREWELL ADDRESS.

FRIENDS AND FELLOW-CITIZENS:—

THE period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom the choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country, and that in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me,

have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say, that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any

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circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead, — amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, — in situations in which, not unfrequently, want of success has countenanced the spirit of criticism, — the constancy of your support was the essential prop of the efforts, and a guaranty of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing wishes that Heaven may continue to you the choicest tokens of its beneficence, that your union and brotherly affection may be perpetual, that the free Constitution which is the work of your hands may be sacredly maintained, that its administration in every department may be stamped with wisdom and virtue, that, in fine, the happiness of the people of these States, under the aus-

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pices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, of your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken and many artifices employed to weaken in your minds the conviction of this truth, — as this is the point in your political fortress

against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed,—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interests. *Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.*

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the latter great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort; and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass

of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries, not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, — *Northern* and *Southern*, — *Atlantic* and *Western*: whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties — that with Great Britain and that with Spain — which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. *This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendments, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of a people to establish a government presupposes the duty of every individual to obey the established government.*

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities, are destructive of this

fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common counsels, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the

real tendency of the existing constitution of a country ; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion ; and remember especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. *Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.*

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed ; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more

formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which, nevertheless, ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subject to the policy and the will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger

of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. *If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.* But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness,—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. *Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.*

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions

of expense by cultivating peace ; but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it ; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives ; but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue ; that to have revenue there must be taxes ; that no taxes can be devised which are not more or less inconvenient and unpleasant ; that the intrinsic embarrassment inseparable from the selection of the proper object, (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations ; cultivate peace and harmony with all : religion and morality enjoin this conduct ; and can it be that good policy does not equally enjoin it ? It will be worthy of a free, enlightened, and at no distant period a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages

which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent inveterate antipathies against particular nations, and passionate attachments for others, should be excluded, and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy

for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justification. It leads also to concessions to the favorite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence, in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me, fellow-citizens,) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one

of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil, and even second, the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when bel-

ligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise, to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies:

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing, with powers so disposed—in order to give trade a stable course, to define the rights of our

merchants, and to enable the government to support them — conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate: constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. *There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.*

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish, — that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, — that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, — this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of

my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness. The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and

mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this, as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

UNITED STATES, *September 17, 1796.*

DECLARATION OF INDEPENDENCE

OF THE

UNITED STATES OF AMERICA,

BY THEIR REPRESENTATIVES IN CONGRESS ASSEMBLED, JULY 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: — that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that govern-

ments long established should not be changed for light and transient causes ; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these Colonies ; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature ; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for

opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise ; the state remaining in the mean time exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States ; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws ; giving his assent to their acts of pretended legislation ; —

For quartering large bodies of armed troops among us :

For protecting them, by a mock trial, from punish-

ment for any murders which they should commit on the inhabitants of these States :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighboring Province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with the power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must therefore acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British

crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New Hampshire.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

Rhode Island, &c.

STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

New York.

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

New Jersey.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

Pennsylvania.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

Delaware.

CESAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

Maryland.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHS CARROLL of Carrollton.

Virginia.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina.

WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

South Carolina.

EDWARD RUTLEDGE,
THOMAS HEYWARD, JR.,
THOMAS LYNCH, JR.,
ARTHUR MIDDLETON.

Georgia.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON

ARTICLES OF CONFEDERATION

AND

PERPETUAL UNION

BETWEEN THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

ADOPTED IN CONGRESS, JULY 9, 1778 ; RATIFIED AND CARRIED INTO EFFECT
MARCH 1, 1781.

ARTICLE 1. The style of this confederacy shall be,
“*The United States of America.*”

ART. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

ART. 3. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. 4. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of

each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States, or either of them.

§ 2. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the Governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offence.

§ 3. Full faith and credit shall be given, in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. 5. § 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

§ 2. No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

§ 3. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of these States.

§ 4. In determining questions in the United States in Congress assembled, each State shall have one vote.

§ 5. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ART. 6. § 1. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

§ 2. No two or more States shall enter into any treaty, confederation, or alliance whatever, between

them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No State shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

§ 4. No vessels of war shall be kept up in time of peace, by any State, except such number only as shall be deemed necessary by the United States in Congress assembled for the defence of such State, or its trade; nor shall any body of forces be kept up, by any State, in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

§ 5. No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of

marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ART. 7. When land forces are raised by any State for the common defence, all officers of or under the rank of colonel shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States in Congress assembled.

ART. 9. § 1. The United States in Congress assem-

bled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article, of sending and receiving ambassadors ; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever ; of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated ; of granting letters of marque and reprisal in time of peace ; appointing courts for the trial of piracies and felonies committed on the high seas ; and establishing courts for receiving and determining finally appeals in all cases of captures ; provided that no member of Congress shall be appointed a judge of any of the said courts.

§ 2. The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more States, concerning boundary, jurisdiction, or any other cause whatever ; which authority shall always be exercised in the manner following : Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by

their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question ; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen ; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot ; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination : and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing ; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive ; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive ; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned : provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one

of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided also, that no State shall be deprived of territory for the benefit of the United States.

§ 3. All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands and the States which passed such grants, are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

§ 4. The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; ap-

pointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

§ 5. The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "*A Committee of the States*," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress assembled shall, on consider

ation of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

§ 6. The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

§ 7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of

six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ART. 10. The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ART. 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union: but no other Colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislature of every State.

And whereas it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify, the said Articles of Confederation and Perpetual Union, Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and Perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the union shall be perpetual. In witness whereof, we have hereunto set our hands, in Congress.

Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the Independence of America.

On the part and behalf of the State of New Hampshire.

JOSIAH BARTLETT,

JOHN WENTWORTH, JUN., Aug. 8, 1778.

On the part and behalf of the State of Massachusetts Bay.

JOHN HANCOCK,

FRANCIS DANA,

SAMUEL ADAMS,

JAMES LOVELL,

ELBRIDGE GERRY,

SAMUEL HOLTEN.

On the part and behalf of the State of Rhode Island and Providence Plantations.

WILLIAM ELLERY,

JOHN COLLINS.

HENRY MARCHANT,

On the part and behalf of the State of Connecticut.

ROGER SHERMAN,

TITUS HOSMER,

SAMUEL HUNTINGTON,

ANDREW ADAMS.

OLIVER WOLCOTT,

On the part and behalf of the State of New York.

JAS. DUANE,

WM. DUER,

FRA. LEWIS,

GOUV. MORRIS.

On the part and in behalf of the State of New Jersey.

JNO. WITHERSPOON,

NATH. SCUDDER, NOV. 26, 1778.

On the part and behalf of the State of Pennsylvania.

ROBERT MORRIS,

WILLIAM CLINGAN,

DANIEL ROBERDEAU,

JOSEPH REED, July 22, 1778.

JONA. BAYARD SMITH,

On the part and behalf of the State of Delaware.

THOS. MCKEAN, Feb. 13, 1779.

NICHOLAS VAN DYKE.

JOHN DICKINSON, May 5, 1779.

On the part and behalf of the State of Maryland.

JOHN HANSON, MARCH 1, 1781. DANIEL CARROLL, do.

On the part and behalf of the State of Virginia.

RICHARD HENRY LEE,

JNO. HARVIE,

JOHN BANISTER,

FRANCIS LIGHTFOOT LEE.

THOMAS ADAMS,

On the part and behalf of the State of North Carolina.

JOHN PENN, July 21, 1778.

JNO. WILLIAMS. CORNS. HARNETT.

On the part and behalf of the State of South Carolina.

HENRY LAURENS,

RICHARD HUTSON,

WILLIAM HENRY DRAYTON,

THOS. HEYWARD, JUN.

JNO. MATHEWS,

On the part and behalf of the State of Georgia.

JNO. WALTON, July 24, 1778.

EDWD. LANGWORTHY.

EDWD. TELFAIR,

APPENDIX.

A SUMMARY STATEMENT OF THE FORMATION OF THE STATE GOVERNMENTS, AND OF THE ADMISSION OF THE NEW STATES INTO THE UNION.

NEW HAMPSHIRE.

NEW HAMPSHIRE was embraced within the charters of Massachusetts, and remained under her jurisdiction until a separate charter was granted to New Hampshire, September 18, 1679, and a separate government was established under it.

A Constitution for the State was formed by the people thereof, January 5, 1776.

This Constitution was formed and adopted in accordance with a recommendation of the Continental Congress, November 3, 1775. (3 Hildreth's History of the United States, 125.)

New Hampshire ratified the Constitution of the United States, June 21, 1788.

MASSACHUSETTS.

MASSACHUSETTS was settled by emigrants under the compact of November 3, 1620. She received her several charters at the following different dates:—March 4, 1629; January 13, 1630; August 20, 1726; and October 7, 1731.

Formed a Constitution for the State, March 2, 1780.

Ratified the Constitution of the United States, February 6, 1788.

RHODE ISLAND.

RHODE ISLAND was included within the charters of Massachusetts, and remained under her jurisdiction until a separate charter was granted to Rhode Island, July 8, 1662.

This charter continued in force until a Constitution was formed for the State in September, 1842.

Rhode Island ratified the Constitution of the United States, May 29, 1790.

CONNECTICUT.

CONNECTICUT was included within the charter limits of Massachusetts until she received a separate charter, April 23, 1662.

Connecticut formed a Constitution for the State, September 15, 1818.

Ratified the Constitution of the United States, January 9, 1788.

NEW YORK.

NEW YORK was granted to the Duke of York by patents having the following dates, viz.: March 20, 1664; April 26, 1664; June 24, 1664; and February 9, 1674.

A State Constitution was formed, April 20, 1777.

New York ratified the Constitution of the United States, July 26, 1788.

NEW JERSEY

NEW JERSEY was included within the grants to the Duke of York, but was separated into East and West Jersey, March 3, 1677. The government was surrendered to the crown in 1702.

A State Constitution was formed, July 2, 1776.

Ratified the Constitution of the United States, December 18, 1787.

PENNSYLVANIA.

PENNSYLVANIA was granted by charter to William Penn, February 28, 1681.

A State Constitution was formed, September 28, 1776.

Ratified the Constitution of the United States, December 12, 1787.

DELAWARE.

DELAWARE was embraced within the charter to Penn, and remained under the government of Pennsylvania until the formation of a Constitution.

A Constitution for the State government was formed, September 20, 1776.

Ratified the Constitution of the United States, December 7, 1787.

MARYLAND.

MARYLAND was granted by charter to Lord Baltimore, June 20, 1632.

A State Constitution was formed, August 14, 1776.

Ratified the Constitution of the United States, April 28, 1788.

VIRGINIA.

VIRGINIA was granted to a company by two charters, one dated April 10, 1606, the other, March 12, 1612.

A State Constitution was formed, July 5, 1776.

Ratified the Constitution of the United States, June 26, 1788.

NORTH CAROLINA.

NORTH CAROLINA was granted to Lord Clarendon by two charters, the one of March 20, 1663, the other of June 30, 1665.

A State Constitution was formed, December 18, 1776.

Ratified the Constitution of the United States, November 21, 1789.

SOUTH CAROLINA.

SOUTH CAROLINA was included within the charters of North Carolina, but was separated from it in 1729.

A State Constitution was formed, March 26, 1776.

Ratified the Constitution of the United States, May 23, 1788.

GEORGIA.

GEORGIA was granted by charter to a company of twenty-one persons, June 9, 1732.

A State Constitution was formed, February 5, 1777.

Ratified the Constitution of the United States, January 2, 1788.

NOTE. — The following short extract from the History of the Constitution is given, because of its application to the facts which have been mentioned in the formation of the State governments.

“The fact that these local or State governments were not formed until a union of the people of the different Colonies for national purposes had already taken place, and until the national power had authorized and recommended their establishment, is of great importance in the constitutional history of this country; for it shows that no Colony, acting separately for itself, dissolved its own allegiance to the British crown, but that this allegiance was dissolved by the supreme authority of the people of all the Colonies, acting through their general agent, the Congress, and not only declaring that the authority of Great Britain ought to be suppressed, but recommending that each Colony should supplant that authority by a local government, to be framed by and for the people of the Colony itself.” — 1 Curtis's History of the Constitution, 39, 40.

NEW STATES.

VERMONT.

VERMONT was claimed as belonging to both New Hampshire and New York. A large part of the land was granted by the Colonial Governors of New Hampshire. The territory was claimed by New York, but the people never submitted to her jurisdiction.

Vermont, with the assent of New York, was admitted into the Union by an Act of Congress, March 4, 1791.

KENTUCKY

KENTUCKY was formed from the territory of Virginia, the Legislature of that State having given its consent by the Act of December 18, 1789.

Kentucky was admitted into the Union, June 1, 1792.

TENNESSEE.

TENNESSEE was formed from territory ceded to the United States by the State of North Carolina. It was organized as a Territory, May 26, 1790.

Tennessee was admitted as a State, June 1, 1796.

OHIO.

OHIO was a part of the territory ceded to the United States by Virginia and Connecticut. It was first organized as a territorial government under the Ordinance of 1787, by an Act of Congress approved August 7, 1789. It was reorganized as a separate government, May 7, 1800.

Ohio was admitted as a State, November 29, 1802.

LOUISIANA.

LOUISIANA is a part of the territory purchased by the United States, and ceded by France, by the treaty of April 30, 1803. It was first organized into two Territories by the Act of March 26, 1804, called the Territory of Orleans and the District of Louisiana.

A subsequent Act, March 2, 1805, authorized the people to form a Constitution and a State government when their population amounted to 60,000.

Louisiana was admitted as a State, April 8, 1812.

INDIANA.

INDIANA was formed out of the territory of the United States known as the Northwest Territory.

It was first organized as a Territory by the Act of May 7, 1800. The Territory was divided into two governments by the Act of January 11, 1805, and was again divided, by the Act of February 3, 1809, into the Territory of Indiana and the Territory of Illinois.

Indiana was admitted as a State, December 11, 1816.

MISSISSIPPI.

MISSISSIPPI was formed from the territory of the United States, ceded by the State of South Carolina, August 9, 1787, and by the State of Georgia, April 24, 1802, under the Acts of Congress of April 7, 1798, May 10, 1800, and March 27, 1804.

It was admitted as a State, December 10, 1817.

ILLINOIS.

ILLINOIS was included under the territorial limits of Indiana until the Act of February 3, 1809, when it became a separate Territory. By the Act of February 27, 1815, the western

boundary of Illinois was extended to the middle of the Mississippi.

Illinois was admitted as a State, December 3, 1818.

ALABAMA.

ALABAMA was included within the territorial limits of Mississippi until it was formed into a separate Territory by the Act of March 3, 1817.

It was admitted as a State, December 14, 1819.

MAINE.

MAINE was embraced within the territory of Massachusetts, and remained under her jurisdiction, until 1820. According to an Act of March 3, 1820, concurred in by the State of Massachusetts, Maine, from and after the 15th of March, 1820, was declared and admitted as a State of the Union.

MISSOURI.

MISSOURI was for a while included within the territorial limits of the District of Louisiana, and was under the jurisdiction of the Governor and Judges of Indiana Territory. By the Act of June 4, 1812, it was formed into a separate Territory under the name of Missouri, and by a subsequent Act, March 2, 1819, it was divided, and the southern part formed into a Territory, under the name of Arkansas.

It was admitted as a State under the Missouri Compromise Act, August 10, 1821.

ARKANSAS.

ARKANSAS was for a time embraced within the limits of the District of Louisiana, and was a part of the Territory of Missouri until the Act of March 2, 1819, by which it was established as a separate Territory.

It became a State by the Act of June 15, 1836, without a previous Act authorizing the people to form a Constitution.

MICHIGAN.

MICHIGAN was formerly included in the Northwest Territory, and afterwards embraced within the Indiana Territory. By the Act of January 11, 1805, it was made a separate Territory. The territory north of Missouri and west of the Mississippi River was attached to the Territory of Michigan by the Act of June 28, 1834.

Michigan was admitted as a State, January 26, 1837.

FLORIDA.

FLORIDA was ceded to the United States by Spain, by the treaty of February 22, 1819.

A territorial government was established by the Act of March 30, 1822, and by the Act of March 3, 1823, East and West Florida were made one Territory.

Florida was admitted as a State, March 3, 1845.

TEXAS.

TEXAS was formerly one of the states of Mexico; but having established her independence and become a republic, a treaty was negotiated between the United States and Texas for her admission into the Union. This treaty was not ratified by the Senate. By a joint resolution for her annexation to the United States, and by a subsequent joint resolution for her admission into the Union, Texas became one of the United States, December 29, 1845.

It is provided in the resolution of annexation, that four new States, of convenient size, may be formed out of the territory of the State of Texas, and admitted into the Union.

WISCONSIN.

WISCONSIN was included within the territorial limits of Michigan until April 20, 1836, when it became a separate Territory.

It was admitted into the Union, March 3, 1847.

IOWA.

IOWA was a part of Wisconsin until June 12, 1838, at which time she became a separate Territory.

It was admitted as a State, December 28, 1846.

CALIFORNIA.

CALIFORNIA is a part of the territory ceded to the United States by Mexico, by the treaty of February 2, 1848.

It was admitted as a State, September 9, 1850.

MINNESOTA.

MINNESOTA was a part of the Louisiana Territory. A separate territorial government was established by the Act of March 3, 1849.

It was admitted into the Union, May 11, 1858.

OREGON.

OREGON was also a part of the Louisiana Territory ceded by France, and a separate territorial government was organized, August 14, 1848.

Oregon became a State, February 14, 1859.

KANSAS.

KANSAS was a part of the Territory of Louisiana, and was organized into a territorial government in connection with the Territory of Nebraska, May 22, 1854.

Kansas was admitted into the Union, January 29, 1861.

NEVADA.

NEVADA is made up of the western part of Utah, and the eastern part of California, including the beautiful Carson Valley.

It was organized by the Act of March 2, 1861. Admitted as a State, October 31, 1864.

NEBRASKA.

NEBRASKA is a part of the Louisiana purchase, and was organized with Kansas, May 22, 1854. Admitted as a State, March 1, 1867.

INDEX TO THE CONSTITUTION.

| | Const. | Man. |
|--|--------|------|
| Absent members, attendance of, may be compelled by a less number than a quorum | 14 | 65 |
| Accept, of any present, emolument, office, or title, &c., no person holding office under the United States shall, without the consent of Congress, from, &c. | 19 | 91 |
| Account of receipts and expenditures shall be published | 19 | 90 |
| Acts, records, and judicial proceedings of every State, shall have full faith and credit in other States | 26 | 120 |
| Adjourn from day to day, a smaller number than a quorum may | 14 | 65 |
| neither house may, for more than three days, without the consent of the other | 15 | 66 |
| Adjournment, in the case of disagreement between the two houses, the President may adjourn them, &c. | 24 | 104 |
| Admiralty and maritime jurisdiction, the judicial power shall extend to | 25 | 110 |
| Admitted, new States may be, by Congress | 26 | 123 |
| Advice and consent (see Senate). | | |
| Affirmation (see Oath). | | |
| Age, of 25 years, a representative in Congress must have attained the | 12 | 54 |
| of 30 years, a Senator must have attained the | 13 | 61 |
| of 35 years, required for eligibility to the office of President or Vice-President | 22 | 99 |
| Agreement or compact, no State shall enter into with another State or foreign power, without, &c. | 20 | 91 |
| Alliance, no State shall enter into | 20 | 91 |
| Ambassadors and other public ministers, the President shall nominate, &c. | 23 | 102 |
| foreign, the President shall receive | 24 | 104 |
| the judicial power shall extend to all cases affecting | 25 | 111 |

| | | |
|---|----|-----|
| Amendments to the Constitution | 33 | 132 |
| Amendments to the Constitution, two thirds of both houses of Congress may propose ; or on the application of two thirds of the States, shall call a convention for proposing ; must be ratified by the legislatures or conventions of three fourths of the States ; shall not deprive a State of its equal suffrage in the Senate | 27 | 126 |
| Appointed, no Senator or Representative shall be, during the term for which he was elected, to any civil office created during such term | 15 | 67 |
| nor shall he be an elector of President | 21 | 95 |
| Appointments, the President shall nominate, and by and with the advice and consent of the Senate, appoint all federal officers except, &c. | 23 | 102 |
| of officers of the militia, reserved to the States | 18 | 83 |
| of electors of President, &c. | 20 | 95 |
| the President shall have power to fill all vacancies that may happen during the recess of the Senate | 23 | 104 |
| Apportioned, representatives and direct taxes to be among the several States, according to population | 12 | 55 |
| Representatives shall be, among the several States, according to their respective numbers, counting the whole number of persons in such State, except Indians, &c | 12 | 55 |
| Appropriation of money for the army shall not be made for more than two years | 18 | 83 |
| Appropriations, no money shall be drawn from the Treasury but in consequence of, made by law | 19 | 90 |
| Approved, every bill, resolution, or vote (of the two houses) must be, by the President, or, being disapproved, passed by two third's vote, before taking effect, except votes for adjournment | 16 | 69 |
| Armies, Congress shall have power to raise and support | 18 | 82 |
| Arming and disciplining the militia, Congress may provide for | 18 | 83 |
| Arms, the right to keep and bear shall not be infringed | 33 | 133 |
| Army, Congress may make rules and regulations for the | 18 | 83 |
| the President shall be commander-in-chief of | 23 | 101 |
| Arrests, Senators and Representatives shall, in all cases, except treason, felony, and breach of the peace, be privileged from, during, &c. | 15 | 67 |
| Arsenals, Congress has exclusive legislation over | 18 | 87 |

| | Const. Man. | |
|---|-------------|-----|
| Arts, useful, and science, Congress may promote the progress of | 17 | 80 |
| Assemble, Congress shall, at least once every year | 14 | 64 |
| Congress shall make no law abridging the right of the people peaceably to | 33 | 132 |
| Attainder, no bill of, or <i>ex post facto</i> law shall be passed . . | 19 | 89 |
| no State shall pass any bill of | 20 | 91 |
| of treason, not to work corruption of blood, &c. . . . | 26 | 117 |
| Attendance, less than a quorum of either house may compel the, of absent members | 14 | 65 |
| Authors, may be secured the exclusive right to their writings | 17 | 80 |
| Bail, excessive, shall not be required | 35 | 116 |
| Ballot, the electors shall vote by, for President, &c. . . . | 35 | 97 |
| the House of Representatives, in electing a President, shall vote by | 35 | 97 |
| Bankruptcies, Congress shall have power to establish uniform laws on the subject of | 17 | 77 |
| Bill of attainder, [no] or <i>ex post facto</i> law shall be passed . . | 19 | 89 |
| no State shall pass | 20 | 91 |
| every bill which shall have passed the two houses shall, before it become a law, be presented to the Presi- dent, &c. | 16 | 69 |
| if not returned in ten days, becomes a law | 16 | 69 |
| Bills of credit, no State shall enact | 20 | 91 |
| Bills [all] for raising revenue shall originate in the House of Representatives | 16 | 68 |
| but the Senate may amend | 16 | 68 |
| Borrow money, Congress shall have power to | 17 | 74 |
| Bribery, all civil officers shall be removed from office on im- peachment for and conviction of | 24 | 105 |
| Business, a majority of each house shall constitute a quorum to do | 14 | 65 |
| Capital crime, no person to be held to answer for but on pre- sentment or indictment of a grand jury | 34 | 114 |
| Capitation tax not to be laid, except in proportion to the fed- eral census | 19 | 90 |
| Captures, Congress may make rules concerning | 18 | 82 |
| Cases to which the judicial power extends, 3d art. sec. 2 . . . | 24 | 110 |
| Census, to be taken every ten years | 12 | 55 |
| Citizen of the United States, no person to be representative who has not been seven years a | 12 | 54 |

| | Const. | Man. |
|--|--------|------|
| Citizen no person to be Senator who has not been nine years a | 13 | 61 |
| no person shall be President or Vice-President except | | |
| natural born citizens | 22 | 99 |
| Citizens of the United States, all persons born or naturalized | | |
| in the United States, and subject to the jurisdiction | | |
| thereof shall be | 37 | 137 |
| Citizens, privileges and immunities of, not to be abridged in | | |
| any State | 37 | 137 |
| right to vote, shall not be denied or abridged by the | | |
| United States or any State, &c. | 38 | 140 |
| Citizens of one State entitled to privileges of citizens in other | | |
| States | 26 | 121 |
| Civil officers, to be removed by impeachment | 24 | 105 |
| Claim for the loss or emancipation of any slave within the | | |
| United States or any State, shall assume or pay any | 38 | 138 |
| Classes, Senators to be divided into three, one third to go out | | |
| each Congress | 13 | 60 |
| Coin, no State shall make anything but gold and silver coin a | | |
| legal tender | 20 | 91 |
| Coin money, Congress may | 17 | 78 |
| Commander-in-chief, the President shall be of the army and | | |
| navy and the militia in service of the United States | 23 | 101 |
| Commerce, Congress may regulate | 17 | 75 |
| Commissions, to be issued by the President | 24 | 104 |
| Common defence, the Constitution established to provide for | 11 | 49 |
| Congress shall have power to provide for | 17 | 71 |
| Common law, in suits at, trial by jury shall be preserved | 34 | 116 |
| Compact, no State to enter into with other States, &c. | 20 | 91 |
| Compel, the attendance of absent members, less than a quorum | | |
| of each house may | 14 | 65 |
| Compensation, of President to be fixed by law, and not in- | | |
| creased or diminished, &c. | 22 | 100 |
| members of Congress to be fixed by law | 15 | 66 |
| judges, to be fixed by law, and not diminished | 24 | 107 |
| shall be made for private property taken for | | |
| public use | 34 | 114 |
| Confederation, no State shall enter into any | 20 | 91 |
| Confronted, accused shall have the right to be, with witnesses | 34 | 115 |
| Congress, all legislative power vested in | 11 | 50 |
| shall consist of Senate and House of Representatives | 11 | 50 |
| elections of members and Senators | 14 | 64 |
| shall assemble at least once a year | 14 | 64 |

| | Const. Man. | |
|--|-------------|---------|
| Congress, each house shall judge of the elections, &c. of its members | 14 | 65 |
| and determine its rules | 14 | 65 |
| shall keep a journal, &c. | 15 | 66 |
| neither house shall adjourn for more than three days without the consent of the other house, or to a different place | 15 | 66 |
| bills for raising revenue shall originate in the House of Representatives | 16 | 68 |
| bills having passed both houses, shall be presented to the President, &c. | 16 | 69 |
| yeas and nays shall be entered on the journal when required by one fifth of the members present | 15 | 66 |
| shall have power to, &c. | 17 | 71 |
| shall have power to enforce the XIIIth, XIVth, and XVth Articles of Amendment | 37-38, | 136-141 |
| powers derived | 35, | 135-137 |
| Constitution of the United States, and the laws and treaties made in pursuance of it, the supreme law of the land | 28 | 128 |
| mode of amendment | 27 | 126 |
| Contracts, no State shall pass a law impairing the obligation of | 20 | 91 |
| Convene, Congress, President may convene one or both houses of Congress | 24 | 104 |
| Counterfeiting, Congress may punish | 17 | 79 |
| Courts, Congress may constitute inferior | 17 | 82 |
| Courts of Law, Congress may invest, with the appointment of inferior officers | 23 | 102 |
| the judicial power of the United States vested in | 24 | 107 |
| Credit, Congress may borrow money on | 17 | 74 |
| no State shall emit bills of | 20 | 91 |
| shall be given in each State to the public acts, &c. of other States | 26 | 120 |
| Crimes, trial of, shall be by jury, except cases of impeachment | 25 | 111 |
| no person shall be held for trial for a second time | 34 | 114 |
| Criminal prosecutions, rights of parties to speedy trial, &c. | 34 | 115 |
| Debate, in Congress, not to be questioned elsewhere | 15 | 67 |
| Debt of the United States, validity shall not be questioned | 38 | 138 |

| | | |
|--|----|-----|
| Debt of the United States, or obligation incurred in aid of insurrection or rebellion against the United States shall be held illegal and void | 38 | 138 |
| Debts, of the United States, Congress has power to pay | 17 | 71 |
| no State shall make anything but gold and silver coin a tender to pay | 20 | 91 |
| Defend, the Constitution, President sworn to | 23 | 101 |
| Delivered up, fugitives from justice, to be | 26 | 122 |
| persons held to service, to be | 26 | 123 |
| Departments, President may require opinions of the heads of | 23 | 101 |
| may be invested with appointments | 23 | 103 |
| Direct taxes, to be apportioned according to federal numbers | 12 | 55 |
| Disabilities of persons engaged in the rebellion | 38 | 138 |
| District, for seat of government, Congress may exercise exclusive legislation over | 18 | 87 |
| Domestic violence, United States to protect States against | 27 | 125 |
| Duties and imposts, Congress may levy and collect | 17 | 71 |
| shall be uniform | 17 | 71 |
| Duties on imports, no State shall, without the consent of Congress, lay | 20 | 91 |
| Election of President and Vice-President to be by electors, see art. 2, sec. 1 | 20 | 97 |
| Elections, times and places of holding, for members of Congress, art. 1, sec. 4 | 14 | 64 |
| Electors, of Representatives to Congress | 11 | 52 |
| of President and Vice-President | 35 | 97 |
| Eligibility for the office of President, no person except a natural born citizen, and 35 years of age | 22 | 99 |
| of senators, 9 years a citizen, and 30 years of age | 13 | 61 |
| representatives, 7 years a citizen, and 25 years of age | 12 | 54 |
| Enumeration of inhabitants, to be made every ten years | 12 | 55 |
| Equal suffrage in the Senate, no State to be deprived of | 28 | 127 |
| Escape of criminals, to be delivered up | 26 | 123 |
| persons held to service, to be delivered up | 26 | 123 |
| Establishment of religion, Congress shall make no law respecting | 33 | 132 |
| Excessive bail shall not be required | 35 | 116 |
| Excises, Congress may lay | 17 | 71 |
| Exclusive rights to authors and inventors | 17 | 80 |

| | Const. | Man. |
|---|--------|------|
| Exclusive legislation, to be exercised by Congress at the seat of government | 18 | 87 |
| Executive of a State may make temporary appointments of Senators to fill vacancies | 13 | 60 |
| and issue writs for election of Representatives | 12 | 57 |
| Executive officers, both of the United States and of the several States, bound by oath to support the Constitution of the United States | 28 | 128 |
| Executive power, vested in a President of the United States | 20 | 94 |
| departments, President may consult heads of | 23 | 101 |
| Expel, a member, the Senate or House of Representatives have power to | 15 | 65 |
| <i>Ex post facto</i> law, or bill of attainder, not to be passed | 19 | 89 |
| no State shall pass | 20 | 91 |
| Extraordinary occasions, on, the President may convene either or both houses of Congress | 24 | 104 |
| Expenditures, to be published | 19 | 90 |
| Exports, not to be taxed | 19 | 90 |
| Felonies and piracies on the high seas, Congress may define and punish | 17 | 82 |
| Fines, excessive shall not be imposed | 35 | 116 |
| Foreign coin, Congress may fix the value of | 17 | 78 |
| nations, Congress may regulate commerce with | 17 | 75 |
| Forfeiture for treason, not to extend beyond the life of the person attainted | 26 | 124 |
| Forts, Congress shall have exclusive legislation over | 18 | 87 |
| Freedom of speech and of the press, shall not be abridged | 33 | 132 |
| Fugitives from justice, to be delivered up | 26 | 122 |
| labor, not to be discharged, but delivered up | 26 | 123 |
| General welfare, the Constitution established to promote | 11 | 49 |
| Congress shall have power to provide for | 17 | 71 |
| Gold and silver coin, no State shall make anything but, a legal tender | 20 | 91 |
| Good behavior, judges to hold office during | 24 | 107 |
| Government, seat of | 18 | 87 |
| of the United States, Congress has the legislative power of | 11 | 50 |
| Grand jury, no person shall be held to answer, &c., but on presentment of | 34 | 114 |
| Grant reprieves and pardons, the President may | 23 | 101 |

| | | |
|---|----|-----|
| Guaranty, the United States shall, to every State in this Union, a republican form of government | 27 | 125 |
| <i>Habeas corpus</i> , privilege of, not to be suspended except, &c. | 19 | 88 |
| Heads of departments, President may consult | 23 | 101 |
| House of Representatives, members to be chosen every second year | 11 | 52 |
| to originate all revenue bills | 16 | 68 |
| may choose their Speaker and other officers | 12 | 57 |
| shall have the sole power of impeach- ment | 12 | 57 |
| shall be the judge of the election, &c. | 14 | 65 |
| may determine its rules | 14 | 65 |
| shall keep a journal, &c. | 15 | 65 |
| Houses of Congress, President may convene | 24 | 104 |
| may propose amendments to the Consti- tution | 27 | 126 |
| Houses, the right of the people to be secure in their houses, &c., shall not be violated | 33 | 134 |
| Immunities, citizens of each State entitled to, in the several States | 26 | 121 |
| Impeachments, sole power of, in House of Representatives | 12 | 57 |
| Senate to try | 13 | 62 |
| civil officers liable to | 24 | 105 |
| Imposts, Congress may levy, to be uniform | 17 | 71 |
| (See Duties.) | | |
| Importations of persons not to be prohibited till 1808 | 19 | 87 |
| Inability, of the President to perform his duties, provided for | 22 | 101 |
| Indians, not taxed, excluded from federal representation | 12 | 55 |
| tribes, Congress may regulate commerce with | 17 | 75 |
| Inferior courts, Congress has power to establish | 17 | 82 |
| Inhabitant, a representative in Congress shall be, of the State he represents | 12 | 54 |
| same of a Senator | 13 | 61 |
| Insurrections, to be suppressed by the United States, on appli- cation of the State authorities | 27 | 125 |
| Invasion, the United States shall protect each State against | 27 | 125 |
| Invasions, Congress may suppress | 18 | 83 |
| Inventors, to be secured their rights | 17 | 79 |

| | Const. | Man. |
|---|--------|------|
| Jeopardy, no person to be twice put in, for same offence . . . | 34 | 114 |
| Journals, to be kept and published by both houses of Congress | 15 | 66 |
| Judges, to be appointed by the President and Senate . . . | 23 | 102 |
| tenure of office of, during good behavior . . . | 24 | 107 |
| in every State bound by the Constitution, laws, &c. of the United States | 28 | 128 |
| Judicial power, vested in a Supreme Court and such inferior courts as Congress may establish | 24 | 107 |
| Judicial proceedings, full faith and effect to be given in each State to those of another | 26 | 120 |
| Jurisdiction of United States courts, see art. 3, sec. 2 . . . | 24 | 110 |
| Jury, trial by, at common law secured | 34 | 116 |
| in criminal prosecutions secured | 34 | 115 |
| Justice, fugitives from, to be delivered up | 26 | 122 |
| Labor, persons held to, escaping, not to be discharged, but to be delivered up to the person to whom due | 26 | 123 |
| Land and naval forces, Congress to make rules for government of | 18 | 83 |
| Law of nations, Congress has power to define and punish of- fences against the | 17 | 82 |
| <i>ex post facto</i> , shall not be passed | 19 | 89 |
| no State shall pass | 20 | 91 |
| Law and Equity, the judicial power to extend to all cases in, &c. | 24 | 110 |
| Fact | 21 | 110 |
| Laws of the United States, shall be the supreme law of the land | 28 | 128 |
| Congress shall have power to make all laws necessary and proper, &c. | 18 | 87 |
| the President shall take care that the laws be faithfully executed | 24 | 104 |
| of the States subordinate to those of the United States | 28 | 128 |
| Legislative power, vested in Congress | 11 | 50 |
| Legislatures of each State, to choose Senators | 13 | 59 |
| members of, shall be bound to support the Con- stitution | 28 | 128 |
| Letters of marque and reprisal may be granted | 17 | 82 |
| no State shall grant | 20 | 90 |
| Liberty, Constitution established to secure | 11 | 49 |
| no person to be deprived of, but by due process of law | 34 | 114 |
| Life, or property, same | 34 | 114 |

| | Const. | Man. |
|--|--------|------|
| Majority, to constitute a quorum | 14 | 65 |
| of whole number of Electors necessary to elect President or Vice-President | 21 | 97 |
| of all the States, to choose President by House of Representatives | 21 | 98 |
| Maritime jurisdiction vested in the Supreme Court | 25 | 110 |
| Marque and reprisal, Congress may grant letters of | 17 | 82 |
| no State shall | 20 | 91 |
| Measures and weights, Congress shall fix standard of | 17 | 78 |
| Measures, President shall from time to time recommend, &c. | 24 | 104 |
| Meet, Congress shall once a year | 14 | 64 |
| Meeting of Congress, first Monday in December | 14 | 64 |
| Migration, &c. See Importation | 19 | 87 |
| Militia, Congress may call forth, organize, &c. | 18 | 83 |
| President, commander-in-chief, when in actual service | 23 | 101 |
| a well-regulated, necessary to the security of a free State | 33 | 133 |
| Ministers, public. See Appointments. | | |
| the President shall receive | 24 | 104 |
| Misdemeanors, civil officers to be removed on conviction of | 24 | 105 |
| Money, Congress may coin | 17 | 78 |
| Congress may borrow | 17 | 74 |
| not to be drawn from the Treasury but by appropriation by law | 19 | 90 |
| no State shall coin | 20 | 91 |
| Naturalization, Congress may establish rules of | 17 | 77 |
| Naval forces, Congress to make rules for | 18 | 83 |
| Navy, Congress may provide and maintain | 18 | 83 |
| the President shall be commander-in-chief of | 23 | 101 |
| New States, may be admitted into the Union | 26 | 123 |
| Nobility, no title of, to be granted | 19 | 91 |
| no State shall grant | 20 | 91 |
| Nominations of officers to be made by the President and confirmed by the Senate | 23 | 102 |
| Oath, of the President | 23 | 101 |
| Oath, or affirmation, all legislative, executive, or judicial officers of the United States, or the States, to be bound by, to support this Constitution | 28 | 128 |
| Obligation of contracts, no State shall impair | 20 | 91 |

| | Const. | Man. |
|--|--------|------|
| Offences, against the law of nations, may be defined and punished by Congress | 17 | 82 |
| President may pardon | 23 | 101 |
| Office, civil, no member of Congress to be appointed to, when created during the time for which he was elected | 15 | 67 |
| no person holding, under the United States, to be a member of either house of Congress | 15 | 68 |
| Officers, each house to elect its own | 12 | 13 |
| | 57 | 62 |
| of the United States shall be appointed by the President by and with the advice and consent of the Senate (exceptions) | 23 | 102 |
| of Militia, appointment of, reserved to the States | 18 | 83 |
| of the United States, the President shall commission all the | 24 | 104 |
| all civil, shall be removed by impeachment | 24 | 105 |
| to be bound by oath | 28 | 128 |
| Opinion, the President may require the, of the heads of departments | 23 | 101 |
| Original jurisdiction of Supreme Court | 25 | 111 |
| Originate, bills for raising revenue shall, in the House of Representatives | 16 | 68 |
| Overt act, in cases of treason | 25 | 117 |
| Pardons, President may grant | 23 | 101 |
| Patent-rights, may be secured by Congress | 17 | 80 |
| Pay the debts of the United States, Congress may | 17 | 71 |
| Pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, neither the United States nor any State shall assume or | 38 | 138 |
| Payment of debts, no State shall make anything but gold and silver coin a tender for the | 20 | 91 |
| People, of the United States, ordain and establish the Constitution | 11 | 49 |
| enumeration of, to be made every ten years | 12 | 55 |
| Petition, right of, not to be abridged | 33 | 132 |
| Piracies, Congress may define and punish | 17 | 82 |
| Ports, no preference to be given to those of any State | 19 | 90 |
| Post-offices and post-roads, Congress may establish | 17 | 79 |
| Power of impeachment, in the House of Representatives | 12 | 57 |
| to try impeachments, in the Senate | 13 | 62 |

| | Const. | Man. |
|---|--------|------|
| Power, executive, vested in the President | 20 | 94 |
| judicial, in Supreme and inferior courts | 24 | 107 |
| legislative, in Congress | 11 | 50 |
| Powers, not delegated to the United States by the Constitu- tion, nor prohibited by the States, are reserved to the States or people | 35 | 135 |
| President of the United States, executive power vested in . . | 20 | 94 |
| to sign bills, &c. | 16 | 69 |
| President of the Senate, the Vice-President of the United States shall be the | 13 | 61 |
| President <i>pro tempore</i> , Senate may choose | 13 | 62 |
| President of the United States, how chosen | 21 | 97 |
| no person except a natural born citizen eligible to the office of | 22 | 99 |
| in case of his removal, death, resignation, or inability | 22 | 100 |
| his compensation | 22 | 100 |
| his oath | 23 | 101 |
| commander-in-chief of the army and navy | 23 | 101 |
| has power to make treaties, two thirds of the Senate concurring, and, with the advice of the Senate, to appoint public ministers, and all the officers, &c., and to fill vacancies that may happen | 23 | 103 |
| he shall give Congress information of the state of the Union, and recommend such measures as he may deem necessary, &c. | 24 | 104 |
| shall be removed from office by impeachment and conviction, &c. | 24 | 105 |
| Press, Congress shall make no law abridging the freedom of, or of speech | 33 | 132 |
| Private property not to be taken without compensation . . . | 34 | 114 |
| Privilege of members of Congress from arrest in civil cases . | 15 | 67 |
| of the writ of <i>habeas corpus</i> shall not be suspended, except in cases, &c. | 19 | 38 |
| Privileges and immunities, the citizens of each State shall have, in the several States | 26 | 121 |
| Proceedings of each house to be kept and published, except, &c. | 15 | 66 |
| Process of Law, no person to be deprived of life, liberty, or property, without due | 34 | 114 |
| Property and effects, the right of the people to be secure in . | 33 | 134 |
| private, not to be taken for public use, without just compensation | 34 | 114 |
| of the United States, Congress may dispose of | 27 | 124 |

| | Const. | Man. |
|---|--------|------|
| Protect, the United States shall, each State against invasion | 27 | 125 |
| Provide, for the common defence | 17 | 71 |
| Public acts, records and proceedings of States to have faith and credit in other States | 26 | 120 |
| Public ministers. See Appointments, President, &c. | 23 | 102 |
| Publish, each house its journal | 15 | 66 |
| Punish its members, each house may, for disorderly conduct | 14 | 65 |
| Punishment, of counterfeiting | 17 | 79 |
| of treason | 26 | 117 |
| Punishments, cruel and unusual, not to be inflicted | 35 | 116 |
| Qualifications of Senators, 9 years' citizenship and 30 years of age | 13 | 61 |
| Representatives, 7 years citizenship and 25 years of age | 12 | 54 |
| President, natural born citizen, 35 years of age | 22 | 99 |
| Qualification to office, no religious test shall ever be required | 28 | 128 |
| of its members, each house of Congress to judge of | 14 | 65 |
| for electors of representatives to Congress, same as for electors to the most numerous branch of the State Legislature | 11 | 52 |
| for Vice-President, same as President | 35 | 97 |
| Quartered, no soldier shall be, in time of peace, &c. | 33 | 134 |
| Questioned, for any speech or debate in either house, they shall not be elsewhere | 15 | 67 |
| Questions, to be taken by yeas and nays, when required by one fifth of the members present | 15 | 66 |
| Quorum, a majority shall constitute a, in either house of Congress | 14 | 65 |
| of the House of Representatives for the election of a President, shall consist of members from two thirds of the States | 36 | 97 |
| of the Senate, to elect a Vice-President, shall consist of two thirds of the whole | 36 | 98 |
| Ratification of amendments to the Constitution | 28 | 131 |
| Rebellion, certain persons who have engaged in, disfranchised from holding certain offices | 38 | 138 |
| debts incurred in aid of, illegal and void | 38 | 138 |
| Receipts and expenditures of the public money to be published from time to time | 19 | 90 |

| | Conrt. | Man. |
|--|--------|------|
| Reconsidered, bills, &c., returned by the President, shall be . | 16 | 69 |
| Records, &c., full faith and credit shall be given to, in each State, &c. | 26 | 120 |
| Redress of grievances, right to assemble and petition for . | 33 | 132 |
| Regulations, for the election of Senators and Representatives . | 14 | 64 |
| Religion, Congress shall make no law respecting the establishment of | 33 | 132 |
| Religious test shall not be required | 28 | 128 |
| Removal, of the President, in case of, to devolve on Vice-President | 22 | 99 |
| Removed, all civil officers shall be, by impeachment, &c. . | 24 | 105 |
| Representation. See Vacancies. | | |
| Representatives, shall be 25 years of age and 7 years a citizen and an inhabitant of the State . . . | 12 | 54 |
| shall be chosen every second year . . . | 11 | 52 |
| House of, see art. 1, sec. 3 | 37 | 137 |
| to originate money bills | 16 | 68 |
| and direct taxes to be apportioned among the States | 12 | 55 |
| each State shall have at least one . . . | 12 | 55 |
| Representatives, House of, shall have the sole power of impeachment | 12 | 57 |
| shall originate revenue bills . . . | 16 | 68 |
| Reprieves, the President may grant | 23 | 101 |
| Reprisal, Congress may grant letters of | 18 | 82 |
| no State shall grant letters of | 20 | 91 |
| Republican government, shall be guaranteed to every State in this Union | 27 | 125 |
| Reserved powers, the powers not delegated | 35 | 135 |
| Resignation of the President, in case of | 22 | 99 |
| of Senators | 13 | 60 |
| Returns, each house to judge of the, of its members . . . | 14 | 65 |
| Revenue, all bills for raising, to originate in the House of Representatives. | 16 | 68 |
| Right of the people peaceably to assemble | 33 | 132 |
| to keep arms | 33 | 133 |
| Right of the people to be secure in their persons, houses, papers, and effects | 33 | 134 |
| to trial by jury | 34 | 115 |
| Rights, patent and copy, may be secured | 17 | 80 |
| of domestic security | 11 | 49 |
| Roads, Congress may establish post | 17 | 79 |

| | Const. | Man. |
|--|--------|------|
| Rules of proceedings, each house may determine | 14 | 65 |
| concerning captures, Congress may make | 18 | 82 |
| Congress may make, for the land and naval forces . . | 18 | 83 |
| of the common law, to be observed | 34 | 116 |
| Science and the useful arts, Congress may promote the progress of | 17 | 80 |
| Searches and seizures, right of the people to be secure from unreasonable | 33 | 134 |
| Seat of government, Congress to have exclusive legislation over | 18 | 87 |
| Secure, the blessings of liberty, the Constitution established to | 19 | 89 |
| the right of the people to be | 11 | 49 |
| Securities and coin of the United States, Congress may punish the counterfeiting of | 17 | 79 |
| Seizures, right of the people to be secure against unreasonable | 33 | 134 |
| Senate of the United States, to be composed of two Senators from each State | 13 | 59 |
| Vice-President of the United States to be President of . . | 22 | 100 |
| may choose their other officers, and a President <i>pro tempore</i> | 13 | 62 |
| shall have the sole power to try impeachments | 13 | 62 |
| shall be the judge of the election, of its members | 14 | 65 |
| may determine its rules | 14 | 65 |
| shall keep a journal | 15 | 66 |
| may amend revenue bills | 16 | 68 |
| may advise and consent to treaties, two thirds concurring | 23 | 102 |
| to appointments | 23 | 102 |
| no State, without its consent, shall be deprived of its equal suffrage in the | 28 | 127 |
| shall choose the Vice-President in certain cases | 36 | 98 |
| Senator each, shall have one vote | 13 | 59 |
| must be 30 years of age, 9 years a citizen of the United States, and inhabitant of the State | 13 | 61 |
| excluded from offices created, &c., during his term . . | 15 | 67 |
| cannot be an elector of President | 21 | 96 |

| | Const. | Man. |
|---|--------|------|
| Senators, divided into three classes | 13 | 60 |
| shall be chosen by the legislature of each State for six years | 13 | 59 |
| State Executives may fill vacancies | 13 | 60 |
| time, place, and manner of election | 14 | 64 |
| compensation of, to be fixed by law | 15 | 66 |
| privileges and immunities | 15 | 67 |
| shall be bound by oath to support the Constitution | 28 | 128 |
| Service, persons escaping from, to be delivered up | 26 | 123 |
| Services, Senators and Representatives shall receive compen- sation for their | 15 | 66 |
| the President shall receive, &c. | 22 | 100 |
| the judges shall receive, &c. | 24 | 107 |
| Servitude, involuntary, shall not exist | 37 | 136 |
| Session, Congress shall assemble at least once a year | 14 | 64 |
| during the, neither house to adjourn for more than three days, &c. | 15 | 66 |
| Ships of war, no State shall keep, in time of peace | 20 | 91 |
| Signers of the Constitution | 29 | |
| Slavery shall not exist in the United States | 37 | 136 |
| Slaves, emancipation of, not to be compensated | 38 | 138 |
| Speaker and other officers, the House of Representatives shall choose its | 12 | 57 |
| Speech or debate, in either house, not to be questioned in any other place | 15 | 67 |
| Congress shall make no law abridging the freedom of | 33 | 132 |
| Standard of weights and measures, Congress may fix the | 17 | 78 |
| State of the Union, President to give Congress information of | 24 | 104 |
| State, no preference shall be given to the ports of any | 19 | 90 |
| no State shall enter into any treaty, &c. | 20 | 91 |
| shall lay any imposts, &c. | 20 | 91 |
| keep troops or ships of war, &c. | 20 | 91 |
| each State shall appoint electors of President, &c. | 20 | 95 |
| the judicial power shall extend to controversies in which a State is a party, &c. | 25 | 110 |
| but not when the State is defendant | 35 | 117 |
| full faith shall be given in each State to the public acts, records, &c., of other States | 26 | 120 |
| the citizens of each State shall be entitled to all the priv- ileges of citizens in the several States | 26 | 121 |
| no State, without its consent, shall be deprived of its equal suffrage in the Senate | 28 | 127 |

| | Const. | Man. |
|---|--------|------|
| State, the United States shall guarantee to every State in this Union a republican form of government | 27 | 125 |
| States, Congress may regulate commerce among the | 17 | 75 |
| new, may be admitted by Congress into the Union | 26 | 123 |
| Suffrage, no State to be deprived of its equal suffrage in the Senate | 28 | 127 |
| Suits at common law, trial by jury to be preserved | 34 | 116 |
| Support the Constitution, all officers bound to | 28 | 128 |
| Supreme Court, judicial power vested in, &c. | 24 | 107 |
| jurisdiction of | 25 | 111 |
| Supreme law of the land | 28 | 128 |
| Tax, capitation or other direct, how laid | 19 | 90 |
| no tax or duty shall be laid on articles exported from any State | 19 | 90 |
| Taxes, Congress shall have power to lay and collect | 17 | 71 |
| direct, and representatives to be apportioned among the several States | 12 | 55 |
| Tender in payment of debts, no State shall make anything but gold and silver | 20 | 91 |
| Territory, ceded for seat of government, Congress shall exercise exclusive legislation over | 18 | 87 |
| and other property of the United States Congress may regulate and dispose of | 27 | 124 |
| Test, religious, not to be required | 33 | 132 |
| Title of nobility, shall not be granted by the United States . . | 19 | 90 |
| nor by any State | 20 | 91 |
| Tonnage, no State shall, without the consent of Congress, lay any duty of | 20 | 91 |
| Treason against the United States shall consist only in levying war against them, &c. | 25 | 117 |
| Treasury, no money shall be drawn from the, but in consequence of appropriations made by law | 19 | 90 |
| Treaties, the President shall have power, by the advice of the Senate, two thirds concurring, to make | 23 | 102 |
| shall be the supreme law of the land | 28 | 128 |
| no State shall enter into | 20 | 91 |
| Trial, of all crimes, except in cases of impeachment, shall be by jury | 25 | 111 |
| in criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, &c. | 34 | 115 |

| | Const. Man. | |
|---|-------------|-----|
| Tribunals, Congress may constitute, inferior to the Supreme Court | 17 | 82 |
| Troops, no State shall keep, in time of peace | 20 | 91 |
| Uniform, all duties, imposts, and excises shall be | 17 | 71 |
| rules of naturalization, and laws of bankruptcies, | | |
| Congress may establish | 17 | 77 |
| Union, Constitution established to form a more perfect | 11 | 49 |
| new States may be admitted into this | 26 | 123 |
| Vacancies, when, happen in the representation of any State, | | |
| the Executive shall issue writs of election | 12 | 57 |
| if, happen in the seats of Senators, the Executive | | |
| may make temporary appointments, until the | | |
| next meeting of the legislature, &c. | 13 | 60 |
| in the office of President, to be filled by the Vice- | | |
| President, President <i>pro tempore</i> of the Senate, | | |
| and the Speaker of the House of Representa- | | |
| tives, successively | 22 | 100 |
| when the President may fill | 23 | 104 |
| Validity of the debt of the United States shall not be ques- | | |
| tioned | 38 | 138 |
| Value of coin, Congress may regulate | 17 | 78 |
| Vessels, bound to or from one State shall not be obliged to | | |
| enter, clear, or pay duties in another | 19 | 90 |
| Veto power, of the President | 16 | 69 |
| Vice-President of the United States, shall be President of the | | |
| Senate, but shall have no vote, unless they | | |
| be equally divided | 13 | 61 |
| succeeds the President, in case of his remov- | | |
| al, &c. | 22 | 100 |
| mode of election of the | 21 | 97 |
| Vote, each Senator shall have one | 13 | 59 |
| the right of citizens of the United States to, shall not be | | |
| denied or abridged | 38 | 140 |
| Votes of electors for President and Vice-President, how and | | |
| where given, &c. | 21 | 97 |
| Votes taken by States, in choosing the President by the House | | |
| of Representatives | 21 | 97 |
| War, Congress shall have power to declare | 17 | 82 |
| no State shall engage in, unless, &c. | 20 | 92 |

| | Const. Man. | |
|--|-------------|-----|
| Warrant, no, shall issue but upon probable cause, supported by oath, &c. | 33 | 134 |
| Weights and measures, Congress shall have the power to fix the standard of | 17 | 78 |
| Welfare, general, Constitution established to promote the . | 11 | 49 |
| Congress may provide for | 17 | 71 |
| Witness, against himself, nor shall any person be compelled to be, in criminal cases | 34 | 114 |
| Witnesses against him, the accused to be confronted . . . | 34 | 115 |
| in his favor, to have compulsory process | 34 | 115 |
| Writ of <i>habeas corpus</i> , the privilege of, shall not be suspended, unless, &c. | 19 | 88 |
| Yeas and nays of the members of either house of Congress on any question, shall, on the desire of one fifth present, be entered upon the journal | 15 | 66 |
| also, on the passage of any bill, &c., returned by the President | 16 | 69 |

INDEX

BY ARTICLES TO THE CONSTITUTION OF ILLINOIS, OF 1870.

| | Page |
|--|-----------|
| PREAMBLE | 148 |
| ARTICLE I. | |
| BOUNDARIES | 148 |
| ARTICLE II. | |
| BILL OF RIGHTS | 149 |
| ARTICLE III. | |
| DISTRIBUTION OF POWERS | 153 |
| ARTICLE IV. | |
| LEGISLATIVE DEPARTMENT | 153 - 166 |
| Election | 154 |
| Eligibility and oath | 155 |
| Apportionment, Senatorial | 156 |
| Minority Representation | 157 |
| Time of Meeting and General Rules | 157 |
| Style of Laws and Passage of Bills | 159 |
| Privileges and Disabilities | 160 |
| Public Money and Appropriations | 160 |
| Pay of Members | 162 |
| Special Legislation prohibited | 163 |
| Impeachment | 165 |
| Miscellaneous Powers | 165, 166 |
| ARTICLE V. | |
| EXECUTIVE DEPARTMENT | 167 - 175 |
| Election | 168 |
| Eligibility | 169 |

| | Page |
|---|----------|
| Governor | 169 |
| The Veto power | 171, 172 |
| Lieutenant-Governor | 172, 173 |
| Other State Officers | 173, 174 |
| Seal of the State | 174 |
| Fees and Salaries of Executive Officers | 174 |
| Definition of Office and Oath of same | 174, 175 |

ARTICLE VI.

| | |
|--|-----------|
| JUDICIAL DEPARTMENT | 175 - 188 |
| Supreme Court | 177 - 179 |
| Appellate Courts | 179, 180 |
| Circuit Courts | 180 - 182 |
| County Courts | 182 |
| Probate Courts | 183 |
| Justices of Peace and Constables | 183 |
| State's Attorneys | 183 |
| Courts of Cook County | 184 - 186 |
| General Provisions | 186, 187 |

ARTICLE VII.

| | |
|--------------------|----------|
| SUFFRAGE | 188, 189 |
|--------------------|----------|

ARTICLE VIII.

| | |
|---------------------|----------|
| EDUCATION | 189, 190 |
|---------------------|----------|

ARTICLE IX.

| | |
|-------------------|-----------|
| REVENUE | 191 - 194 |
|-------------------|-----------|

ARTICLE X.

| | |
|--|-----------|
| COUNTIES | 194 - 199 |
| County Seats | 195 |
| County Government | 196 |
| County Officers and their Compensation | 197 - 199 |

ARTICLE XI.

| | |
|------------------------|-----------|
| CORPORATIONS | 199 - 204 |
| Banks | 201 |
| Railroads | 202 - 204 |

ARTICLE XII.

| | |
|-------------------|------------------|
| MILITIA | Page 205, 206 |
|-------------------|------------------|

ARTICLE XIII.

| | |
|----------------------|-----------|
| WAREHOUSES | 206 - 208 |
|----------------------|-----------|

ARTICLE XIV.

| | |
|---|-----------|
| AMENDMENTS TO THE CONSTITUTION | 208, 209 |
| SEPARATE SECTIONS | 210 - 221 |
| Illinois Central Railroad | 210 |
| Municipal Subscriptions to Railroads or private Corpora- tions | 210 |
| Illinois and Michigan Canal | 211 |
| Schedule | 212 - 221 |

THE END.





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